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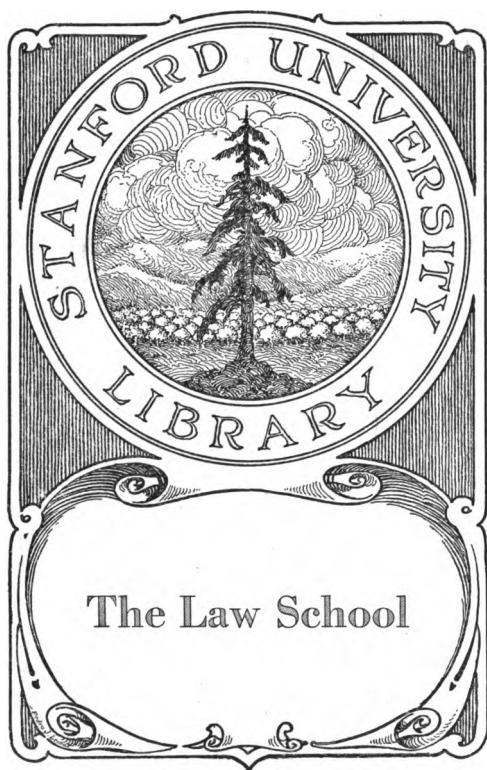
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PUBLIC ACTS
OF THE
STATE OF CONNECTICUT,
PASSED
MAY SESSION, 1861.

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Connecticut Coll

PUBLIC ACTS,

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PASSED BY THE GENERAL ASSEMBLY

OF THE

State of Connecticut,

MAY SESSION, 1861.



STATE OF CONNECTICUT.

OFFICE OF THE SECRETARY OF STATE, JULY, 1861.

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PUBLIC ACTS.

CHAPTER I.

An Act to provide for the Organization and Equipment of a Volunteer Militia, and to provide for the Public Defence.

Be it enacted by the Senate and House of Representatives, in General Assembly convened :

SECTION 1. The governor is hereby authorized and empowered to accept the services and cause to be enlisted, enrolled and mustered into the service of the state, for such time as he may deem expedient, volunteers, in his discretion as to the number, not to exceed ten thousand men, to be officered, organized, armed and equipped in such manner as the governor shall order and direct ; said force hereby authorized being in addition to the present military organization of the state, and a part of the militia thereof. The governor authorised to raise volunteers.

SEC. 2. The officers and men of this force shall receive the same pay and rations, while in service under the provisions of this act, until mustered into the service of the United States, as officers and men of the same rank and arm of service in the army of the United States, and shall be liable at all times to be turned over to the service of the United States, on the order of the Governor, as a part of the militia of this state, upon the requisition of the President of the United States. Pay and rations. Volunteers to be liable to be mustered in the service of the United States, on requisition of the President

SEC. 3. The officers and men of the said force, except when in actual service, shall be paid only for the time actually spent in their organization, drilling and instructions. To be paid only for time actually employed.

To be subject to the rules, &c., of the army of the U. States.

Not to be discharged except in the county where organized.

Expenditures for arms, &c., to be made under direction of the governor.

Bills, how audited, and paid.

Acts of the governor ratified.

Accepted volunteers to be paid for services and expenses, though not ordered to rendezvous.

Additional pay, to non-commissioned officers and privates.

Or their legal representatives.

SEC. 4. The force hereby created, when enlisted and accepted, shall be subject to all the rules and articles applicable to the troops in the service of the United States; but no volunteers under this act shall be discharged from service any where except in the county where they were organized, unless by his or their request.

SEC. 5. All expenditures for arms, supplies, equipments, transportation, and all other expenditures necessary to prepare the force hereby authorized to be raised, for actual service, shall be made under the direction of the governor; and all bills for any such expenditures shall be audited by the governor, treasurer and comptroller, and upon their certificate of the correctness of any such bill, the comptroller shall draw his order on the treasurer for the amount thereof.

SEC. 6. All acts and proceedings of the governor heretofore, in calling for, accepting and preparing for service the volunteer militia, are hereby ratified and confirmed; and all expenses incurred thereby shall be audited and paid in the same manner as expenses incurred under this act. And all officers and volunteers, which have been accepted by the adjutant-general, but which have not been and may not be ordered to rendezvous, shall receive the same compensation for services and expenses until discharged by the commander-in-chief, as they would have received if they had been rendezvoused.

SEC. 7. There shall be paid from the treasury of this state, to the order of each non-commissioned officer, musician, artificer, or private, enlisted and accepted into the service of this state or the United States, under the provisions of this act, or under any regulation hereby ratified and confirmed, the sum of ten dollars per month as additional compensation to that herein before provided for the service of each soldier, for such time as he shall serve, pursuant to such enlistment; and in case of death during such term of enlistment, the same pay shall continue, during said term, to the widow and minor children of such soldier under the age of sixteen years, and in case there shall be no widow or minor children as aforesaid, then to his legal representatives; the first month's pay to be made when such soldier shall have been accepted and received into service at the place of rendezvous, and the remaining

months' pay at such time and in such manner as the governor shall prescribe.

SEC. 8. The several towns and cities in this state be, and they hereby are authorized and empowered, at any legal meeting specially warned for that purpose, to appropriate such sums of money as they shall direct for the purpose of organizing, arming, equipping or providing any soldiers, company, or companies of soldiers, that may be enlisted in or from such towns or cities, and to make such provisions for the families of such soldiers during the term of enlistment, as said towns or cities shall direct; and all the acts of the several towns and cities in this state, in meeting specially warned for that purpose, by which money shall have heretofore been appropriated for the purposes specified in this section, or provisions made for soldiers or their families, are hereby ratified and confirmed: *provided*, that the provisions for extra compensation specified in this act shall be in lieu of the extra pay heretofore provided by towns and cities.

Towns and cities authorized to make appropriations for volunteers and their families.

Acts of towns and cities, appropriating money, confirmed.

Extra compensation, under this act, to be in lieu of extra pay voted by towns.

SEC. 9. The sum of two millions of dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to defray the expenditures authorized by this act, or any other expenses of mustering the militia of this state, or any part thereof, into the service of the United States; and the treasurer is hereby authorized to borrow from time to time such sums of money as may be necessary to defray the expenditures herein authorized.

Two millions of dollars appropriated for expenditures under this act.

Treasurer authorized to borrow money.

SEC. 10. This act shall take effect on the day of its passage.

Approved, May 8th, 1861.

CHAPTER II.

An Act in addition to an Act for forming and conducting the Military Force.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Repeal of provision for annual parade in May.

SEC. 1. That so much of the first section of the act approved June 24th, 1859, as requires one parade annually in the month of May, be, and the same is hereby repealed.

SEC. 2. This act shall take effect on the day of its passage.

Approved, May 9th, 1861.

CHAPTER III.

An Act in addition to "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Persons acquitted of crime, on the ground of insanity, to be confined elsewhere than in state prison.

SEC. 1. Whenever any person shall be tried before the superior court for murder, or any other crime, and acquitted on the sole ground of insanity, the court before whom the trial is had, may, if it shall deem proper, commit such person to the county jail, or some other suitable place, other than the state prison, there to be kept at the expense of the state, during such insanity, and until released by said court, unless some person shall undertake, before said court, and give bonds to the treasurer of the state, to the satisfaction and acceptance of said court, to confine such insane person as such court shall direct.

SEC. 2. All acts and parts of acts inconsistent herewith are hereby repealed; but this repeal shall not annul or affect any commitment heretofore made.

SEC. 3. This act shall take effect from its passage.

Approved, May 22d, 1861.

CHAPTER IV.

An Act relating to Joint Stock Corporations.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. In all cases where the first meeting of any joint stock corporation has been held, or shall hereafter be held, pursuant to a written waiver of notice, in the manner specified in the act passed, May Session, 1854, and approved, June 13th, 1854, relating to such waiver of notice, such first meeting shall be held valid. First meetings of joint stock corporations, pursuant to waiver of notice, validated.

SEC. 2. This act shall not affect any suit now pending.

Approved, May 22d, 1861.

CHAPTER V.

An Act repealing an Act therein named.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the act entitled "An Act authorizing the appointment of Commissioners to take Acknowledgments of Deeds and Conveyances, and Depositions, in Foreign Countries," approved June 27th, A. D. 1857, be, and the same is hereby repealed. Repeal of act authorising appointment of commissioners of deeds, &c., for foreign countries.

Approved, May 23d, 1861.

CHAPTER VI.

An Act to confirm the proceedings of Courts of Probate, in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That in all cases in which any court of probate has heretofore ordered the sale of any real estate, in any Sales by order of court of probate, not invalidated

by defect of publication of order. matter legally pending in such court, and the publication of the order or orders connected therewith has been made in the manner, but not for the length of time, required by law, such sales, if otherwise valid, shall be held good, and are hereby ratified and confirmed, notwithstanding such defective publication: *provided*, that this act shall not affect any suit now pending.

Approved, May 23d, 1861.

CHAPTER VII.

An Act concerning Real Estate held for Religious Purposes.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

State Treasurer directed to convey the title of the State in real estate given for religious purposes.

SEC. 1. That the treasurer of the state is hereby directed to convey all real estate, the title of which vested in the state under and by virtue of an act, entitled "An Act in relation to conveyances and devises of Personal and Real Estate for Religious Purposes," passed, May Session, 1855, to the person or persons in whom the title would now be if the said act had not been passed: *provided*, such real estate was not conveyed under said act before its repeal.

SEC. 2. This act shall take effect from its passage.

Approved, May 23d, 1861.

CHAPTER VIII.

An Act in addition to "An Act concerning Education."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

School districts may deliver rate bills or assess-

That nothing contained in Chapter LXII of the Public Acts passed, May Session, A. D. 1860, shall be

construed to prohibit the making out of any rate bill, or assessment for tuition, authorized by any school district, or of the delivering of the same to the district collector for collection, at any time previous to the last week of the term.

Motions for tuition, to the collector, before last week of term.

Approved, May 23d, 1861.

CHAPTER IX.

An Act in addition to an Act entitled "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That motions in error and for a new trial may be joined and allowed at the same time, by the superior court; and in any case hereafter brought, when a new trial has been refused by the supreme court of errors, no motion in error shall thereafter be allowed in the superior court.

Motions in error and for new trial may be joined, in superior court.

Motion in error not allowed, after new trial has been refused.

Approved, June 1st, 1861.

CHAPTER X.

An Act in addition to "An Act for the Assessment and Collection of Taxes."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. It shall be the duty of each assessor to make out and hand in to the board of assessors his own list, and make oath to the same before some proper officer other than an assessor, that said list, according to his best knowledge, remembrance or belief, is a true statement of all his property liable to taxation, and that he has not conveyed or temporarily disposed of

Assessors of taxes to make and hand in their own lists under oath.

any estate for the purpose of evading the provisions of this, or the act to which this is in addition.

Penalty for neglect.

SEC. 2. Every person who shall neglect or refuse to comply with the provisions of this act, shall forfeit the sum of fifty dollars to the treasury of the town of which he is an assessor, to be collected by the treasurer in an action upon this statute.

Approved, June 1st, 1861.

CHAPTER XI.

An Act relating to the Survey of the Coast of Connecticut.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Persons employed on U. S. Coast Survey, authorized to enter on lands and erect works.

SEC. 1. Persons employed under an act of the Congress of the United States, passed the tenth day of February, in the year eighteen hundred and seven, and the supplements thereto, may enter upon lands within this state, for any purpose which may be necessary to effect the objects of said act, and may erect works, stations, buildings, or appendages for that purpose, doing no unnecessary injury.

County commissioners may assess damages.

SEC. 2. If the parties interested cannot agree upon the amount to be paid for damages caused thereby, either of them may petition the county commissioners of the county in which the land lies, who shall appoint a time for a hearing, as soon as may be, and order at least fourteen days' notice to all persons interested, and, with or without a view of the premises, as they may determine, hear the parties and their witnesses and assess the damages.

Assessment to be filed with clerk of superior court.

SEC. 3. The county commissioners shall file in the office of the clerk of the superior court of the county in which the land is situated, a report of their doings, which shall be conclusive, unless one of the parties shall, within thirty days after the filing of such report, file a petition to said court for a new hearing to be had in such superior court; in which case, after such notice of such petition to the opposite party as the said

Petition for new hearing, when to be filed.

superior court, if in session, or, if in vacation, as any judge thereof or of the supreme court, or any county commissioner of the county in which such petition is pending, shall direct, a trial shall be had in said court, in the same manner as other civil actions are tried, and such hearing shall take precedence of all other civil actions.

Trial in superior court to have precedence of other civil actions.

SEC. 4. The person so entering upon land may tender to the party injured amends therefor; and if the damages finally assessed do not exceed the amount tendered, the person entering shall recover costs; otherwise, the prevailing party shall recover costs.

Effect of a tender of damages.

SEC. 5. The costs to be taxed and allowed in all such cases, either before the county commissioners or the superior court, shall be the same as are ordinarily taxed, according to the rules and practice in the superior court.

Costs.

SEC. 6. Whoever willfully injures, defaces or removes any signal, monument, building or appendage thereto, erected, used or constructed, under said acts of Congress, shall forfeit the sum of fifty dollars for each offence; and shall be liable for damages sustained by the United States, to be recovered in an action of tort.

Penalty for injury to signals, monuments, &c.

Approved, June 5th, 1861.

CHAPTER XII.

An Act in addition to "An Act concerning Lands."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That all deeds and other conveyances of real estate in this state, which have been executed and acknowledged in any other state or territory, in conformity with the laws of such state or territory, relative to the conveyance of lands therein situated, shall be held and deemed to be as valid, to all intents and purposes, as if the same had been executed and acknowledged in conformity with the laws of this state; *provided*, that nothing herein contained shall affect any title hereto-

Conveyances executed and acknowledged in other states, according to the laws of such states, validated.

fore acquired in good faith, by any creditor, by levy of execution or otherwise, or purchaser from the grantor in any deed or conveyance defectively executed, or from his heirs or devisees; *and provided further*, that this act shall not affect any suit now pending between any person or persons other than the grantees and grantors in such defective conveyance.

Approved, June 12th, 1851.

CHAPTER XIII.

An Act in addition to "An Act for the Protection of Indians, and the Preservation of their Property."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Authorizing
commissioners to
make new distribution of lands
of Mohegan Indians held by individuals.

SEC. 1. That the commissioners appointed by the governor, under and by virtue of "An Act in addition to 'An Act for the Protection of Indians and the preservation of their Property,'" approved June 22d, 1860, to make a new distribution of the "common" lands among the members of said tribe, are authorized to make a distribution of any lands held by individuals, under the distribution of 1790, among the persons entitled to the same by descent, so far as they may deem it expedient so to do, in such manner as they may deem just and proper; and make report of their doings to the General Assembly.

Parsonage and
school house
lands excepted
from distribution.

SEC. 2. The parsonage and school house, and the lot on which they stand, shall be excepted from the distribution authorized by said act.

Approved, June 12th, 1861.

CHAPTER XIV.

An Act in addition to and in alteration of "An Act relating to Courts."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the provisions of an act entitled "An Act in addition to and in alteration of an Act entitled, An Act relating to Courts," passed May Session, 1860, and approved, June 21st, 1860, be, and the same are hereby extended and applied to the port of Norwich, and to the Thames River, and to all persons acting as pilots at said port and upon said river.

Provisions of act imposing penalty for acting as pilot without license, extended to Thames river.

Approved, June 12th, 1861.

CHAPTER XV.

An Act to extend an Act for the Preservation of Fish in Green Pond.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That an act passed and approved June 9th, 1858, for the preservation of fish in Green Pond, in the town of Sherman, in Fairfield county, prohibiting the taking of fish between the first day of July, 1858, and the first day of July, 1861, be extended to the first day of July, 1863.

Act for preservation of fish in Green pond, extended to 1863.

Approved, June 12th, 1861.

CHAPTER XVI.

An Act in addition to "An Act concerning Courts."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Probate District
of Clinton con-
stituted.

That the town of Clinton, in Middlesex county, be, and the same hereby is constituted a probate district by the name of the *District of Clinton*.

Provided, however, that all business which shall be begun or entered in the court of probate for the District of Killingworth, on or before the fourth day of July, 1862, shall be completed in the same manner as if this act had not passed.

Approved, June 12th, 1861.

CHAPTER XVII.

An Act in alteration of an Act entitled "An Act relative to the Charter of the City of New Haven."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Jurisdiction of
city court of New
Haven.

SEC. 1. The city court of the city of New Haven shall have cognizance of all cases at law and in equity, wherein the matter in demand is not less than fifty, nor more than five hundred dollars: *provided*, the cause of action arose within the city limits, and one or both the parties live within the same.

Appeal, how
taken.

SEC. 2. An appeal may be taken in all cases from any decision, judgment or decree of said court, to the superior court next to be held in and for the county of New Haven, in the same manner and upon the same terms as are now provided in cases of appeal from the decisions of a justice of the peace.

Assistant judges,
to be sworn.

SEC. 3. The assistant judges of said city court shall, within one week after their election, take the oath provided by law to be administered to other judicial offi-

cers, and shall receive such compensation for their services as shall be established by said city.

SEC. 4. The jurors summoned to attend any city court in said city, shall receive the same compensation for their services as is now by law allowed to jurors in the superior courts of this state.

SEC. 5. The court of common council in said city of New Haven shall have the same power to make orders upon the proprietors and occupants of lands or buildings fronting on any streets or highways in said city, for the removal of snow, ice, and sleet, from the side-walks on such streets or highways, as it now has, by virtue of the thirty-ninth section of the act of which this is an alteration, to make orders upon such parties for making, raising, levelling, paving or flagging side-walks and gutters in front of said lands and buildings, and all the provisions of said thirty-ninth section, *mutatis mutandis*, shall be applicable to this section: *provided however*, that the lien created by said thirty-ninth section shall be a good and valid lien, if the certificate required by said section shall be lodged at any time within six months from the time of the performance of the work for which said lien is claimed: *and provided further*, that said certificate may specify and embrace any number of claims for work performed in the removal of snow, ice, and sleet, at different times, within said period of six months, and that if said certificate shall specify and embrace claims for work performed at different times within said period, said lien shall be a good and valid lien for the whole amount so specified and embraced in said certificate.

Approved, June 12th, 1861.

Compensation to be fixed by the city.

Compensation of jurors.

Court of common council may make orders for removal of snow and ice.

CHAPTER XVIII.

An Act in addition to "An Act enabling the Town of New Haven to pave the Streets of said Town, in certain cases," passed, May Session, 1856.

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Selectmen of New Haven may order the Belgian or other pavement to be used in any street, on application of three-fourths of the property holders.

In such case, one-half of the expense shall be paid by the proprietors.

Assessment to be a lien on the land.

SEC. 1. Whenever application in writing shall be made to the selectmen of the town of New Haven, for the paving by said town of any street or highway, or of any portion of any street or highway in said town, with the Belgian or any other kind of pavement, and such application shall be signed by the proprietors of at least three-fourths in quantity of the land fronting on any such street or highway, or such portion thereof, so proposed to be paved, who shall therein express their consent that one-half of the cost of such pavement so applied for may be assessed to the proprietors of land fronting on the street, highway, or portion thereof, proposed to be paved, as is hereinafter provided, it shall be lawful for said town to construct the pavement so applied for, and to order that one-half the expense thereof be paid by all the proprietors of land fronting upon such proposed pavement; and upon the completion of any such pavement, the expense thereof, so chargeable to all such proprietors, shall be assessed to such proprietors by the selectmen, in the manner provided by the act to which this is in addition. And the portion of such expense so assessed to each proprietor, shall be and remain a lien upon the land fronting said pavement, as is provided in said act; and said town, and the selectmen thereof, shall have all the rights and powers relative to the construction of such pavement and the collection of such assessment and enforcement of such lien, as are provided by said act to which this is in addition, relative to pavements constructed in accordance therewith.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, June 12th, 1861.

CHAPTER XIX.

An Act in addition to An Act concerning Highways and Bridges.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. In all cases where any turnpike gate or gates have been removed to any place within the limits prescribed by the act of incorporation, or prescribed by subsequent grants from the general assembly, different from that at which said gate or gates were originally located, the same are hereby confirmed and declared to be legally located and established, *provided*, such gate or gates have been located where they now are for a period of at least fifty years: and all tolls which have accrued for passing such gate or gates, are confirmed and shall be collectable in the same manner as they would have been if said gate or gates had remained as they were originally located.

Establishing the location of turnpike gates in places not authorized by charter, in certain cases.

SEC. 2. Nothing in this act contained shall affect any suit now pending.

Approved, June 13th, 1861.

CHAPTER XX.

An Act relating to Pounds.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That whenever the selectmen of any town shall have established and erected, or shall hereafter establish and erect a new pound or pounds within their respective towns, they shall be and are hereby authorized and empowered to appoint a pound keeper or pound keepers for such new pound or pounds, to hold office till the next annual town meeting of such town.

Selectmen authorized to appoint pound keepers for new pounds.

Approved, June 13th, 1861.

CHAPTER XXI.

An Act confirming the doings of Courts of Probate, and Commissioners of Assigned Estates.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Settlement of insolvent estates not invalidated by omission of order of notice.

SEC. 1. Whenever in the settlement of any estate of an insolvent debtor, partnership, or corporation, under the provisions of the act passed in 1853, "for the relief of Insolvent Debtors, and for the more equal Distribution of their Effects among their Creditors," the notice prescribed by the 17th section of said Act has been given by the commissioners appointed on such estate to receive claims against the same, of their times and places of meeting to receive said claims, the said notice shall be valid to all intents and purposes as if the court of probate before which any such estate was or is pending in settlement, had ordered notice to be given, and the proceedings in the settlement of all such estates are hereby validated and confirmed: *provided*, that such commissioners have been duly appointed, and the time limited for the presentation of claims, by the court of probate before which such estate was or is pending, and that the proceedings in the settlement of such estate have been conformable to law in respect to the other sections of said act, and the acts in addition thereto.

SEC. 2. This act shall not affect any suit now pending.

Approved, June 13th, 1861.

CHAPTER XXII.

An Act providing the number of Jurymen for the town of Sprague.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Prescribing the number of jurymen for the town of Sprague.

That the town of Sprague, incorporated by act of this general assembly, be entitled to select, in the

manner prescribed in the "Act for the regulation of Civil Actions," and for the purposes therein mentioned, the number of seven jurymen.

Approved, June 13th, 1861.

CHAPTER XXIII.

An Act relating to Highways.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. No incorporated borough in this state shall have the power to discontinue, or in any manner impair the usefulness or convenience of any public highway within its corporate limits, which highway has not been or shall not be laid out by the borough itself.

Boroughs may not impair or discontinue public highways.

SEC. 2. This act shall take effect from its passage.

Approved, June 13th, 1861.

CHAPTER XXIV.

An Act in alteration of an Act entitled "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That when a scire facias shall be brought against any attorney, agent, factor, or trustee, or debtor, of a debtor, on judgment rendered by a justice of the peace, such scire facias shall be signed by the justice rendering the judgment, and when the demand does not exceed fifty dollars shall be made returnable before the same justice of the peace; but when the demand shall exceed fifty dollars, the same shall be returnable before the superior court, in the county where the plaintiff or defendant dwells; and if the

Scire-facias against garnishee, how signed and returnable.

justice rendering such judgment shall be removed from office, by death, resignation or otherwise, before any scire facias is taken out thereon, such writ may be signed by, and, when the demand does not exceed fifty dollars, be made returnable before, any justice of the peace, as in other cases; but when the demand exceeds fifty dollars, such writ shall be made returnable before the superior court, as aforesaid.

In scire-facias against city, borough, or town, judge or justice not disqualified by being a resident or tax-payer.

SEC. 2. No judge or justice of the peace shall be disqualified to sit and judge in any scire facias brought by or against any city, borough, or town in this State, by reason of his being a tax-payer, or resident, of such city, borough, or town; any law to the contrary notwithstanding.

SEC. 3. This act shall take effect from and after its passage, but shall not affect any suit now pending.

Approved, June 13th, 1861.

CHAPTER XXV.

An act confirming the doings of Courts of Probates, in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Appointment of trustee of assigned estate, not invalidated by omission of notice to creditors.

SEC. 1. That whenever any court of probate has accepted and approved of the appointment of the trustee or trustees, named in the assignment of any insolvent debtor, who has assigned his property for the benefit of his creditors, pursuant to the provisions of an act, passed, May Session, 1853, entitled "An Act for the relief of Insolvent Debtors, and for the more equal distribution of their Effects among their Creditors," and such court has omitted to appoint a time, and cause the notice to be given for the hearing of the creditors relative thereto, as required by the sixth section of the act passed, May Session, 1855, in addition to the act last aforesaid, such acceptance and approval shall be good and valid: *provided*, this act shall not affect any suit now pending.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, June 13th, 1861.

CHAPTER XXVI.

An Act in addition to an Act entitled "An Act concerning Lands."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That all powers of attorney, authorizing the execution of any conveyance of an interest in lands situate in this state, and all conveyances of any such interest, which have been or shall be acknowledged before the judge of any city court of any city in this or any other state of the Union, shall, if in other respects conformable to law, be valid and effectual. This act shall take effect from its passage: *provided*, that no suit or action now pending shall be affected thereby, *and provided further*, that nothing herein contained shall affect any title heretofore acquired in good faith, by any creditor, by levy of execution or otherwise, or purchaser from the grantor, without knowledge of such defective conveyance.

Powers of attorney, and conveyances of lands, may be acknowledged before judges of city courts.

Approved, June 13th, 1861.

CHAPTER XXVII.

An Act providing for the due Collection of Taxes in the Town and City of New Haven.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. All taxes hereafter laid by the town or the city of New Haven, or by the New Haven city school

New Haven town, city and school district

taxes, when payable and how collected.

district, shall be payable on the first day of July next ensuing; and the collector of any such tax so payable and of all such taxes heretofore made payable on the first day of July, 1861, shall, upon receiving a lawful warrant for the purpose, proceed to collect such tax from the several persons liable to pay the same in the manner hereinafter mentioned.

Collector to give notice; when and how.

SEC. 2. If any such taxes shall remain unpaid on the first day of August next succeeding said first day of July, it shall be the duty of said collector, immediately after said first day of August, to give public notice by daily (Sundays being excepted) advertisement in two or more newspapers of said city, to be published therein respectively through said month of August, that unless the said taxes shall be paid to him at his office in said city on or before the first day of September then next succeeding, he will immediately after said first day of September proceed to collect the same as is hereinafter provided.

One per cent. additional to be collected on taxes unpaid after September 1st.

SEC. 3. If any such tax shall remain unpaid on said first day of September, it shall be the duty of said collector to charge, collect and receive upon such tax so remaining unpaid on that day, in addition to the amount of such tax, one per cent. on the amount thereof; and, if any such tax shall remain unpaid on the first day of October next succeeding, to charge, collect and receive upon such tax so remaining unpaid, two per cent. on the amount thereof in addition to said former charge; and if the same shall remain unpaid on the first day of November next succeeding, then to charge, collect and receive, in addition to the several charges hereinbefore provided, a further increase or percentage upon the amount of such tax so remaining unpaid, as is provided in the next section of this act; and such increase of percentage and the additions hereinbefore provided shall be accounted for and paid over by such collector, as a part of the tax collected by him.

Two per cent. after October 1st.

After October 1, collector to give personal or written notice, of unpaid taxes;—

SEC. 4. Where any such tax shall remain unpaid on the first day of October, the said collector shall immediately thereafter cause notice, in writing or printed, to be given to the person from whom the same shall be due, specifying therein the amount of such tax and the percentage which shall accrue thereon, and requiring such person to pay the same to the said collector, at his office, on or before the first day of November

thereafter; which notice shall be given, if said person is a resident of the town or city of New Haven, either by leaving the same with him personally, or at his usual place of abode, or his usual place of business, with some person of suitable age and discretion, or by depositing the same addressed to such person in the post office of the city of New Haven, if resident within said city, or in the post office of Fair Haven or Westville if resident within those voting districts respectively, at least ten days before said first day of November, or if said person is a non-resident, by leaving the same with him personally or with his agent, or by depositing the same, addressed to said person at his last known post office address, in the post office of the city of New Haven, at least ten days before said first day of November; and said collector shall also, immediately after said first day of October, give public notice in two or more daily newspapers of said city by advertisement published therein, respectively, at least ten days, notifying all persons who shall have omitted to pay their taxes, to pay the same to him at his office on or before the first day of November; and upon filing in the town clerk's office of the town of New Haven, an affidavit of the giving of the notice as hereinbefore provided, or that the residence or post office address of the person named therein could not by diligent search and inquiry be ascertained, and also of the publication of the notice as hereinbefore required, it shall be the duty of said collector to charge, collect and receive upon all taxes remaining unpaid on and after said first day of November, in addition to the percentage then due by the provisions of the third section of this act, an interest at the rate of twelve per centum per annum, to be calculated from the day on which said tax became payable; and it shall be lawful for said collector to make distress for such interest and accrued percentages as a part of such unpaid tax, in the manner now provided by the "Act for the Assessment and Collection of Taxes," in case of unpaid state and town taxes.

And to give public notice, by advertisement.

To file affidavit of notice.

Interest at twelve per cent. per annum to be charged after November 1st.

SEC. 5. The collector of any such tax shall enter into suitable books, to be kept by him for the purpose, the sums received by him for taxes, and the names of the persons from whom such sums were received, and the day when received; and on the first days of October, January, April and July, of every year, and at any

Accounts of collectors, how to be kept, and rendered.

Taxes when to be paid over.

Duplicate vouchers to be given to collector, one of which shall be lodged on file, &c.

Collectors neglecting to render statement, or make payment, may be suspended.

Another collector may be appointed.

other time when he shall be required so to do by the officers hereinafter mentioned, he shall render a statement in writing, under oath, of the sums so received during the preceding quarter, and the persons from whom the same were received, and the time when received, to the selectmen of the town, in case of a town tax, and to the mayor of the city, in case of a city tax, and to the clerk of the district, in case of a New Haven city school district tax; and on each and every Monday during the months of July, August, September, October and November, and on the first Monday of the months of January, February, March, April, May and June, of each year, he shall pay over to the treasurer of the town, or of the city, or of the said school district, as the case may be, the amount received by him during the preceding week or month, (according as such payment is made during said first mentioned or last mentioned month,) for taxes on account of said town, city or school district, respectively; and the treasurer to whom the same shall be so paid shall thereupon give to such collector duplicate vouchers for such payment, one of which such vouchers shall be, by said collector, on the same day, lodged with said selectmen, mayor or district clerk, as the case may be, who shall file the same in their or his respective offices.

SEC. 6. If any such collector shall at any time omit or neglect to furnish to the officers designated in the preceding section the said statement and vouchers, or to make the payment therein prescribed, it shall be the duty of the selectmen, in case of the collector of any town tax, and of the mayor, in case of the collector of any city tax, and of the board of education, in case of the collector of any school district tax, to suspend from his office the party delinquent, and to take from him the rate-bill. And in such case, the selectmen of the town, when such collector shall have been appointed by the town, or the mayor and aldermen, when such collector shall have been appointed by the city, and the board of education, when such collector shall have been appointed by the said school district, may depute some proper person to perform the duties of the collector so suspended, and to collect such rate-bill or so much thereof as remains due, until the party suspended shall be restored to his office by the authority suspending him, or until another person shall be appointed in his place.

And all the duties prescribed by this act, and all the provisions of the several acts relating to the collection of taxes, shall apply to the person so temporarily appointed.

SEC. 7. It shall be lawful for the selectmen of said town, in case of a town tax, and for the mayor and aldermen of said city, in case of a city tax, and for the board of education of the district, in case of a New Haven city school district tax, if they at any time deem it expedient so to do, to designate in what place the office for the collection and reception of such tax shall be kept, and during what hours of the day the same shall remain open for the reception of taxes.

Authorities of town, city, or district, may designate place and fix office hours for collection of taxes.

SEC. 8. The several collectors hereinbefore named shall be paid for their services an annual salary, at a rate which will allow the sum of twenty-five hundred dollars, as the aggregate compensation of all said collectors, (not including office rent,) that is to say, each of said collectors shall be paid, as such salary, a sum which shall bear the same proportion to the sum of twenty-five hundred dollars, as the amount of the annual rate-bill delivered to such collector for collection bears to the aggregate amount of the annual rate-bills delivered to all said collectors for collection during the same year; and the amount of such salary shall be annually fixed, in accordance with the foregoing rule, by the selectmen of the town, in the case of the collector of town taxes, and the court of common council in the case of the collector of city taxes, and the board of education in the case of the collector of New Haven city school district taxes; and the salary so fixed shall be paid to such collector by the treasurer of the town, city, or school district, as the case may be, at such times as the authority fixing such salary, shall determine: *provided, however*, that this section shall not apply to the compensation of any such collector who shall have been chosen to office prior to the first Monday of June, 1861, but the compensation of every such collector, during his term of office, shall be the same as if this act had not been passed: *and provided further*, that it shall be lawful for said selectmen, and court of common council and board of education, by concurrent action, to allow a less sum than twenty-five hundred dollars as the aggregate yearly compensation for the whole service of collection, and in such case, the salary of each collector shall be fixed in proportion to

Compensation of collectors.

Proviso.

Selectmen, common council, and board of education, may agree on payment of a less compensation to collector

such less sum in the same manner, as is hereinbefore provided, where the aggregate compensation is allowed at twenty-five hundred dollars.

SEC. 9. All acts and parts of acts inconsistent with this act, so far as the same are applicable to the town or city of New Haven, or the New Haven city school district, are hereby repealed.

SEC. 10. This act shall take effect from and after the day of its passage.

Approved, June 14th, 1861.

CHAPTER XXVIII.

An Act authorizing the Treasurer to borrow Money for the Equipment and Payment of the Volunteer Militia, and to issue State Bonds.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

State treasurer
authorized to
issue bonds.

SEC. 1. That to enable the treasurer of this state to borrow the amount, (two millions of dollars,) appropriated and authorized to be borrowed under an act passed at this session of the General Assembly, entitled, "An Act to provide for the Organization and Equipment of a Volunteer Militia, and provide for the Public Defence," or so much thereof as, in the opinion of the governor, may be needed to carry into effect the aforesaid act, and any acts in addition to or alteration thereof, bonds of the state of Connecticut shall be issued for the amount to be borrowed, bearing interest at the rate of six per cent. per annum; with semi-annual interest coupons attached, payable on the first days of January and July of each year, at the treasurer's office in Hartford, in this state, with the principal payable in twenty years from date, or at an earlier date after the expiration of ten years, at the pleasure of the general assembly; which bonds shall be signed by the treasurer, and sealed with his official seal, and countersigned by the comptroller of public accounts, and registered in his office; the said bonds to be made

When payable.

How signed and
registered.

payable to such person in whose favor they may be issued, or bearer, and transferable by delivery.

SEC. 2. The treasurer of this state upon the requisition of the governor, shall, from time to time, advertise and sell such portion of said bonds, as, in the opinion of the governor, the exigencies of the public service may require; *provided*, that the treasurer shall accept the most favorable proposals offered by responsible bidders for the same; *and further provided*, that no bids shall be accepted, less than the par value of said bonds.

Bonds to be sold after advertisement, on the most favorable terms offered,—

Not less than par value.

SEC. 3. The treasurer of this state is hereby authorized to cause to be engraved or lithographed and printed, bonds of the state of Connecticut, of such form and description as the governor may approve, of the denominations of one hundred, five hundred, and one thousand dollars, with interest coupons attached, and pay for the same with any money that may be in the treasury unappropriated, on the order of the comptroller.

Treasurer to cause bonds to be engraved, of three denominations.

SEC. 4. The treasurer shall report the amount of money realized from the sale of said bonds and the comptroller of public accounts shall report the detailed expenditures under this act, to the next general assembly, at the commencement of its session.

Treasurer to report to general assembly

SEC. 5. The faith and credit of the state of Connecticut is hereby pledged for the payment of the interest and the redemption of the principal of said bonds, at or previous to their maturity.

The credit of the State pledged for the payment of state bonds.

SEC. 6. This act shall take effect from its passage.

Approved, June 18th, 1861.

CHAPTER XXIX.

An Act concerning Bonds in Criminal Prosecutions.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That whenever a person accused of crime and examined before a justice of the peace, shall be ordered by such justice to become bound to appear before the

Bonds for appearance, in criminal prosecutions before justices of peace,

to be taken to
state treasurer.

Bonds on appeal
from justice, to
be taken to
county treasurer.

superior court, as provided in the 148th section of the Act concerning Crimes and Punishments, the bond given by the accused shall be taken to the treasurer of the state of Connecticut. And in all appeals from the judgment of a justice of the peace in criminal cases, the bond given upon such appeal shall be taken to the treasurer of the county within which the trial is had.

Approved, June 19th, 1861.

CHAPTER XXX.

An Act relating to Horse Railroads.

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Penalty for ob-
structing track
of horse railroad.

SEC. 1. If any person shall willfully and maliciously hinder or obstruct any horse railroad company, in the use of its roads or tracks, or the passing of the cars or carriages of such company thereon, such person, and all who shall be aiding and abetting therein, shall, for every such offence, be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail, not exceeding three months, or by such fine and imprisonment both.

Penalty for using
vehicles fitted to
track of horse
railroad, without
consent of the
company.

SEC. 2. Every person who shall, without the consent of the railroad company, use upon any horse railroad, any omnibus or other vehicle with running gear fitted to the track of such railroad, for the purpose of conveying passengers for hire, upon the track of such horse railroad, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by such fine and imprisonment both: *provided*, that nothing in this section contained shall be, so construed as to prevent the use on that part of the highway where such horse railroad track is laid down, of such vehicles as are ordinarily used on other highways.

Prohibition of
driving cattle,
&c., on track,
not to apply to
horse railroad.

SEC. 3. No prohibition contained in section eighteen of the Act relating to Railroad Companies, passed May session, 1849, shall apply to any horse railroad.

SEC. 4. This act shall take effect from and after the day of its passage.

Approved, June 19th, 1861.

CHAPTER XXXI.

An Act in addition to and alteration of "An Act concerning Education."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That whenever any town in this state shall have formerly embraced within its limits more than one school society, the board of school visitors of such town may, if they choose, appoint a sub-committee of one of their number, to visit the schools of such part of the town as are embraced in the limits of a former school society, in which case such sub-committee shall be called acting school visitors.

Board of school visitors in towns which formerly embraced more than one society, may appoint a sub-committee, as acting visitors.

Approved, June 19th, 1861.

CHAPTER XXXII.

An Act in addition to "An Act relating to Railroad Companies."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

SEC. 1. It shall not be lawful for any street or horse railroad corporation, having a track within any highway of any town in this state, to remove, or allow to be removed, from their said track, either by snow-plow or otherwise, the snow which shall fall upon said track, if such fall of snow is of sufficient depth to allow vehicles to pass over the road on runners, without consent in writing first obtained of the first selectman of the town, or of the mayor of the city, where the city authorities have the control of the highways in which such track is located.

Snow not to be removed from track of railroad in town highway.

SEC. 2. It shall not be lawful for any such corporation to sprinkle salt or any article of a decomposing nature on their tracks or rails, or to wash said tracks or rails with any brine or pickle, or cause or allow the

Street railroad corporation may not sprinkle salt, &c., on track or rails.

same to be done by any person, for the purpose of melting the snow upon said tracks or rails, unless a permit in writing is granted for the purpose, by the first selectman of the town, or of the mayor of the city where the city authorities have the control of the highways in which such track is located.

Penalty

SEC. 3. If the president or any director or other officer of any such corporation shall knowingly permit the snow to be removed from the track of such company, or the track or rails to be sprinkled or washed with salt or other article of a decomposing nature, in violation of the provisions of this act, such president, director, or other officer, shall be liable to a fine not exceeding five hundred dollars, at the discretion of the court having cognizance of the offence.

Approved, June 25th, 1861.

CHAPTER XXXIII.

An Act to repeal an Act therein named.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Repeal of sec. 9
of act of 1856, for
the protection of
sheep culture.

SEC. 1. That the ninth section of an act entitled, "An Act for the protection of Sheep Culture," passed, May Session, one thousand eight hundred and fifty-six, be, and the same hereby is repealed.

Other sections of
act of 1856, to
remain in force,
any prior action
of towns not-
withstanding.

SEC. 2. That all the other sections of said act of which the ninth section is hereby repealed, be, and the same are hereby declared to be in force, any action by any town in this state, whether had before or after the passage of this act, to the contrary notwithstanding.

Approved, June 25th, 1861.

CHAPTER XXXIV.

An Act relating to taking Depositions in Foreign Countries.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. That depositions to be read on the trial of any civil action may be taken in any foreign State or country without the limits of the United States, pursuant to existing provisions of law, before any of the following described officers of the United States, viz: foreign ministers, secretaries of legation, consuls, and vice consuls.

Depositions, how to be taken in foreign countries.

SEC. 2. A certificate from the secretary of state of the United States shall be sufficient evidence to prove the official character of the person taking depositions under the preceding section of this act.

Proof of official character of person taking deposition.

Approved, June 26th, 1861.

CHAPTER XXXV.

An Act in addition to an Act entitled "An Act in addition to an Act for the Settlement of Estates, testate, intestate, and insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That a duly certified copy of a will devising real estate, and of a distribution of real estate, may be deposited in the office of the town clerk of the town wherein the real estate so devised or distributed is situated, which copies shall be kept on file in the office of said town clerk, and the depositing of such copies shall be deemed a sufficient compliance with the requirements of the act entitled, "An Act in addition to an Act for the Settlement of Estates, testate, intestate, and insolvent," approved, June 10th, 1856.

Certified copy of will and distribution of real estate, to be filed with town clerk.

Approved, June 26th, 1861.

CHAPTER XXXVI.

An Act in addition to "An Act to provide for the Organization and Equipment of a Volunteer Militia, and to provide for the Public Defence."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. There shall be paid from the treasury of this state, to the order of each non-commissioned officer, musician, artificer, and private, resident in this state, who has heretofore been accepted, or who may hereafter be accepted, into the service of this state, and turned over into the service of the United States, as a part of the militia of this State, under and pursuant to any call from the president of the United States, for volunteers or militia, for any time exceeding three months, the sum of thirty dollars per year, and at that rate for any fraction of a year that such volunteer shall serve, in addition to the compensation paid by the United States, and in lieu of the extra compensation of ten dollars per month, provided for in the act to which this is an addition; ten dollars of which shall be paid when such volunteer shall be mustered into the service of the United States, and ten dollars at the end of each successive four months thereafter, or to their legal representatives in case of death while in service.

SEC. 2. There shall be paid from the treasury of this state, for the support and maintenance of the family of each non-commissioned officer, musician, artificer, and private, resident in this state, who shall be accepted, or who has been accepted, into the service of this State and turned over to the service of the United States, as a part of the militia of this state, under and pursuant to any call of the president of the United States, for volunteers or militia, the sum of six dollars per month for the wife, if any there be, and two dollars per month for each child under the age of fourteen years; and in case there shall be a child or children, and no wife, then the sum of six dollars per month for the younger child, and two dollars per month for each additional child under fourteen years of age, provided the amount paid for any one family

shall not, in the aggregate, exceed the sum of ten dollars per month; which said payment shall commence at the time such officer or soldier was or shall be mustered into the service of the United States, and shall continue during his term of service; and in case such officer or volunteer shall die, or be disabled during service, the payment herein provided shall continue during said term, unless the company to which he belonged shall be sooner discharged.

SEC. 3. The selectmen of the several towns in this state shall, on or before the first day of August, A. D. 1861, and as often thereafter as occasion may require, return to the comptroller of public accounts a statement in writing, containing the name of each non-commissioned officer, musician, artificer, and private, (having a family,) resident in such town, who shall be accepted, or who has been accepted, into the service of this state, or into the service of the United States, as a part of the militia of this state, under and pursuant to any call of the president of the United States for volunteers or militia, which statement shall contain the name of the wife, the name of each child under the age of fourteen years, the name of the company and regiment in which he may be serving, and the date and term of his enlistment; which statement shall be signed by a majority of the selectmen, and verified by affidavit; and a duplicate of such statement shall be lodged with the town clerk; and said selectmen shall, from time to time, report to the comptroller any changes that may occur in the families of such soldiers, by death, by children becoming of the age of fourteen years, or otherwise.

Selectmen to return names, &c., of volunteers from their respective towns, to comptroller.

Statement how signed and verified;
Duplicate to be lodged with town clerk.

Selectmen to return changes in families of volunteers.

SEC. 4. The comptroller shall, on the first day of August, A. D. 1861, or as soon thereafter as may be, and at the end of each successive period of three months thereafter, draw his order on the treasurer of this state, in favor of the treasurer of each town, for such sum as may be due to the families of soldiers resident in such town, under the provisions of this act; and the treasurer shall pay the same to the order of the persons respectively entitled to the same: *provided*, that in all cases where any city, town, individual, or association of individuals, shall have, prior to the first day of August, A. D. 1861, provided support for the wife or child of any volunteer entitled to such support

Comptroller to draw orders in favor of town treasurers, for sums due to families of volunteers.

Towns, cities, &c., providing support, to be reimbursed.

under the provisions of this act, the town treasurer of the town where such wife or child resides, shall, on the written statement, under oath, of the individual, or of the majority of the selectmen of such town, or the mayor of any city, or the committee of any association of individuals, reimburse such town, city, individual, or individuals, for the money so expended, to an amount not exceeding the sum received for such wife and child or children.

Uniforms and clothing furnished by individuals or communities, to be paid for, at actual value, or cost.

SEC. 5. Whenever individuals or communities have heretofore furnished uniforms and clothing to the volunteer militia who have been already enlisted and accepted into the service of this state, and said uniforms and clothing have been accepted by the quartermaster general, the bills for the same shall be audited and paid in the manner provided in the fifth section of the act to which this is in addition : *provided*, that in no case the sum hereby authorized to be paid, shall exceed the actual cost, nor the actual value, of said uniforms and clothing.

Brigade and regimental surgeons.

SEC. 6. The commander-in-chief may, at his discretion, appoint for the militia of this state in the service of the United States, a surgeon for each brigade, and a surgeon and one or two assistant surgeons for each regiment, who shall be subject to the regulations prescribed for surgeons in the army of the United States, and entitled to the same compensation ; and in case any surgeon so appointed shall not be paid by the United States, he shall be paid from the treasury of this state, at such times and in such manner as the commander-in-chief shall direct.

To be paid by the state, when.

Medical board, for examination of surgeons, how constituted, &c.

SEC. 7. The commander-in-chief is hereby authorized to appoint a medical board, consisting of not less than three physicians, whose duty it shall be to examine into the qualifications of all applicants for the office of surgeon or assistant surgeon ; and no person shall be appointed to either of said offices, except upon the recommendation of said medical board, or a majority of them.

Chap'lains.

SEC. 8. The commander-in-chief may appoint one chaplain for each regiment now in the service of the United States, from this state, and may, at his discretion, appoint one additional chaplain, who shall be subject to the regulations prescribed for chaplains in the army of the United States, and entitled to the

same compensation ; and in case any chaplain so appointed shall not be paid by the United States, he shall be paid from the treasury of this state, in such manner and at such times as the commander-in-chief shall direct.

SEC. 9. In all cases where an adjutant has been appointed in any of the volunteer regiments from this state in the service of the United States, who is not a lieutenant in any company in said regiment, the commander-in-chief may issue a commission to such adjutant, who shall be entitled to the compensation and allowance of adjutants ; and in case any such adjutant shall not be paid by the United States, he shall be paid from the treasury of this state, at such times, and in such manner, as the commander-in-chief may direct. Adjutants.

SEC. 10. The compensation of the paymaster-general for all moneys paid out by him under the provisions of this act, the act to which this is in addition, and all other acts which may hereafter be passed in addition thereto, or in alteration thereof, shall be a commission of one-half of one per cent. on the amount of money so paid by him as aforesaid : *provided*, such commission shall not in the aggregate exceed the sum of seven hundred dollars in any one year. Compensation of paymaster-general.

SEC. 11. The adjutant-general shall receive for his compensation for the year ending March 31st, A. D. 1862, and in lieu of all other compensation, the sum of one thousand dollars, and shall also be allowed the necessary expenses connected with the duties of his office. The compensation of the quartermaster-general for the same year, shall be one thousand dollars, in lieu of all other compensation ; and [he] shall also be allowed all necessary expenses relating to his official duties. The commissary-general shall receive for his compensation, at the rate of eighty-five dollars per month, in lieu of all other compensation, for the time actually spent in the discharge of his official duties ; and shall also be allowed all necessary expenses relating to the duties of his office. Compensation of adjutant-general.
Compensation of quartermaster-general, and commissary-general.

SEC. 12. The forces which may have been, and which may hereafter be accepted for any time exceeding three months, and the first three regiments accepted by the commander-in-chief for three months, shall be taken and considered as part of the force of ten thousand men, authorized by the act to which this Three months' regiments.

is in addition, and the extra pay and other expenses herein authorized shall be paid from the appropriation made in said act.

- SEC. 13. This act shall take effect on the day of its passage.

Approved, June 27th, 1861.

CHAPTER XXXVII.

An Act relating to County Commissioners.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

County commis-
sioners to pub-
lish abstract of
county treasur-
er's account.

SEC. 1. It shall be the duty of the county commissioners in each county in this state, annually, on or before the twentieth day of April, to make out, on oath, and publish in one or more weekly newspapers published in their respective counties, a full and true abstract of the annual account of the county treasurer, for the year ending March 31st, as audited and approved by them; showing the amount of moneys received, and from what sources; the expenditures made, and for what purposes; the balance, if any, remaining in the treasury, or the indebtedness of the county, if any, at the close of such year.

SEC. 2. Until said abstract shall have been published as provided in the first section of this act, the county commissioners shall not receive, or be entitled to receive, any compensation for their services as commissioners.

Approved, July 1st, 1861.

CHAPTER XXXVIII.

An Act in addition to An Act relating to Courts.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. The courts of probate within this state shall have power to appoint conservators for persons having their legal domicile within their respective districts, upon such petition and in the same manner as is now by law provided in relation to actual residents in such district. Courts of probate may appoint conservators for persons having legal domicile in the district.

SEC. 2. In case of application for the appointment of a conservator under this act, for any person not actually residing within the district, the court shall prescribe the manner in which notice of such application shall be served upon such person. Notice, to be prescribed by court of probate.

Approved, July 1st, 1861.

CHAPTER XXXIX.

An Act relating to Commissioners on Turnpike Roads.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That in any case where the senate deem it expedient, they are hereby empowered, instead of the number now required by law, to appoint three commissioners on any turnpike road in this state, a majority of whom shall have the same powers now vested by law in commissioners of turnpike roads. Senate may appoint three commissioners on any turnpike road.

SEC. 2. This act shall take effect upon its passage.

Approved, July 1st, 1861.

CHAPTER XL.

An Act in addition to "An Act concerning Fences and Common Fields."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Proprietors of common fields may annex adjoining lands on application of the owners.

Bounds between common fields not to be altered without consent of two-thirds of the proprietors.

Adjoining common fields may be consolidated, by three-fourths vote of the proprietors.

SEC. 1. That the proprietors of land in any field that now is, or that may be hereafter, established and used as a common field, at a meeting legally warned for that purpose, may, by a two-third vote of such meeting, alter the bounds of said field, by annexing to said field, upon such conditions as said proprietors shall specify, such land or lands adjoining thereto, as the owner or owners thereof shall apply to said proprietors in writing, to have so annexed; and when so annexed, the owners of said lands shall be entitled to all the benefits, and liable to all the duties and responsibilities of proprietors of said common field, except as may be otherwise provided in the conditions upon which such lands are annexed as aforesaid: *provided*, that the bounds or divisional line between any two common fields, shall not be altered so as to embrace in one field any lands which belong to the other field, without the consent of the proprietors of such field, expressed by a two-third vote of a meeting legally warned for that purpose, at which meeting no person shall vote whose lands are proposed to be set off.

SEC. 2. Whenever two or more common fields lay adjoining each other, and the proprietors of each of said fields, at meetings legally warned for that purpose, shall, by a three-fourth vote of each of said meetings, agree that it would be for the interest of the proprietors to consolidate said adjoining fields as one common field, said meetings may proceed, by a committee or otherwise, to agree upon the terms and conditions upon which said fields shall be consolidated as one field, including the name by which said consolidated field shall be known and called, and the time and place at which the first meeting of said consolidated field shall be held for the choice of officers, and to do any business which might be done at an annual meeting; and whenever said conditions shall be agreed upon by a like three-

fourth vote of each of such meetings as aforesaid, said fields shall thereupon become one common field, upon the conditions thus agreed upon, and said first meeting of said consolidated field may thereupon be held without any further notice than is prescribed in said agreement, which agreement shall be recorded at length by the clerks of each of said fields, and a copy attested by both of said clerks shall be lodged with the clerk of the consolidated field, and be by him recorded as a part of the records of said consolidated field.

SEC. 3. The proprietors of common fields may hold their annual meetings as now provided by law, or at such other time and place and upon such notice as said proprietors shall have previously agreed upon in a lawful meeting; and the officers chosen at such annual meeting, or at a special meeting legally warned for that purpose, shall hold office until the next annual meeting and until others are chosen in their places and duly qualified. Said proprietors at their annual meetings, or at special meetings legally warned for that purpose, may, by a major vote, prescribe penalties, and rules for their collection, for any violation of the standing rules or regulations which may have been adopted by said proprietors, in respect to the fencing, and occupying of said fields; *provided*, that no penalties shall be imposed by said proprietors exceeding one dollar for any one offence.

Annual meetings of proprietors, when and how holden.
Officers.
Powers of proprietors.
Limit of penalties.

SEC. 4. Whenever in any meeting of the proprietors of any common field, any vote shall be taken, each of said proprietors, their lawful agents or attorneys, shall be entitled to give one vote for any quantity of land not exceeding four acres, and one vote for every additional four acres, which said proprietor may own in said field.

Votes, how to be taken.

SEC. 5. Common fields shall be fenced in the same manner as is required in the case of particular enclosures; *provided*, that the committee of any common field and the proprietors of any particular enclosure adjoining thereto, and the committee of any common field with the committee of any adjoining common field, may agree in writing what fence shall be built between said field and enclosure, or between said adjoining fields, and during what times in each year said fence shall be erected and maintained; which agreement shall always be in writing and signed by the parties, and shall be approved by the proprietors of said field in a lawful meet-

Fences.
Committees and adjoining proprietors may agree as to division fence.

Duty of fence viewers.

ing; in which case, the fence shall be the same as shall have been agreed upon during the time named in such agreement; and it shall be the duty of the fence viewers of any common field, to inspect the fences of said field, and take care that they are kept in sufficient repair during the season in which they are to be maintained, whether said fence belongs to, and ought to be maintained by the owners of a particular enclosure adjoining said field, or by the proprietors of said field; and if they find said fence to be insufficient and defective in any

To give notice of insufficient fence, to land owners.

Owners neglecting to repair fence, to pay double costs.

part, they shall forthwith give notice to the owner, or person now by law required to be notified; and if he shall not, within twenty-four hours after such notice, erect such fence, or put the same in sufficient repair, they shall forthwith make or repair the same; and the owner, or person who ought to maintain such fence, shall pay to the fence viewers a reasonable compensation for giving such notice, and double costs and charges for making or repairing such fence; and if he neglects to do so, for ten days after an account thereof shall be presented and after payment shall be demanded, the fence viewers may recover the same in an action on the case; *provided*, that such person, within ten days after the account is presented, may apply to two selectmen or fence viewers of the town, not interested in the controversy, who shall appraise and estimate the expense of making or repairing such fence, and if such person shall not forthwith pay double the appraisement, the fence viewers, who made or repaired the fence, may recover it in an action on the case.

Appraisal by selectmen, or other fence viewers.

Animals not to be allowed on another's land, without consent of owner.

SEC. 6. No person shall permit any of his creatures to feed or bait on his neighbor's land in a common field, without his consent, before the tenth day of October in each year, or before such other day as the proprietors shall have agreed upon, in their lawful meetings, as the day when such field should be opened for feeding, which day shall not be fixed earlier than said tenth day of October, without the unanimous vote of said proprietors at a meeting legally warned for the purpose; and it shall be the duty of the haywards, and the right of any proprietor, or of his or their agent, to impound all creatures found feeding, baiting, or running at large in said common field, contrary to law, or in violation of the rules and regulations of said field.

Haywards or others may impound creatures found at large.

Poundage may

SEC. 7. The proprietors of any common field, in

lawful meeting, by a major vote, may establish the fee to be paid by the owner of any creature impounded from said field; *provided*, that it shall not be more than twelve cents per head for sheep, and seventy-five cents per head for other creatures; two-thirds of which shall be for the impounder, and the other one-third to the pound keeper.

be established
by the proprie-
tors.
Proviso.

SEC. 8. All acts or parts of acts inconsistent with this act are hereby repealed.

Approved, June 2d, 1861.

CHAPTER XII.

An Act in addition to and in alteration of "An Act to establish the State Reform School."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. There shall be taxed quarterly in each year, in the months of January, April, July and October, by the comptroller of public accounts, the sum of one dollar and fifty cents for each week's board, (as well for the clothing and fuel,) of each person committed to the state reform school; and the superintendent of said state reform school shall make his bill therefor, and present the same to the comptroller, who shall tax and allow the same, upon his finding it just and correct; and the comptroller shall draw an order in favor of said superintendent, for the amount so taxed, upon the treasury of this state, and the treasurer shall pay said order out of said treasury.

Board of inmates
of state reform
school; how tax-
ed, and paid.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

Approved, July 2d, 1861.

CHAPTER XLII.

An Act in addition to "An Act concerning Judges of Probate."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Judges of probate authorized to take acknowledgment of deeds.

That the judges of probate in the several probate districts of this state, be, and they are hereby authorized to take acknowledgment of deeds and all other conveyances of real estate.

Approved, July 2d, 1861.

CHAPTER XLIII.

An Act in addition to "An Act relating to certain State Officers, and to the Treasury Department."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Claims against the state, to be sworn to, and accompanied by vouchers.

Account of items of expenses, to be rendered.

State officers to certify claims for services rendered.

SEC. 1. That any claim presented to the comptroller of public accounts or any of the state officers for audit and allowance, shall be supported by the oath of the party presenting the same, that it is just and correct, and also by vouchers or receipts for the payment of any money exceeding five dollars at any one time ; also, an accurate account showing the items of said claim ; also, a detailed account of expenses, where expenses constitute a portion of said claim, specifying the day and time, and for what purpose incurred ; and the original vouchers or receipts, and a copy of such account, shall be lodged on file in the comptroller's office.

SEC. 2. Whenever any service has been rendered or duty performed chargeable against the state, of which any officer of the state has, *ex officio*, cognizance or knowledge, it shall not be lawful for the comptroller of public accounts to allow the same, or to draw his order on the treasurer therefor, unless the claim shall be supported by the official certificate of such officer that such service has been rendered or duty performed.

SEC. 3. Whenever the compensation fixed by law for any officer of this state is a per diem allowance, it shall not be lawful for the comptroller of public accounts to draw his order therefor upon the treasurer for the payment of the same, before the service has actually been rendered and performed. *Provided*, that such officers shall hereafter be paid quarterly, to wit, on the second Mondays of May, August, November, and February, in each year, instead of semi-annually, as now by law provided.

Officers entitled to a per diem compensation, not to be paid in advance :—

But to be paid quarterly.

Approved, July 2d, 1861.

CHAPTER XLIV.

An act Relating to Electors and Elections in the Town of Hartford.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That the town of Hartford is hereby divided into three districts, for the purpose of accommodating the electors of said town in voting at the electors' meetings, as follows, viz. : that portion of said town which is bounded as follows, to wit : eastwardly by Connecticut river, westwardly by the town line, northwardly by a line beginning at the centre of Kilbourn street, where the same intersects Connecticut river, thence running westwardly through the centre of Kilbourn street to Front street, thence northwardly through the centre of Front street to Temple street, thence westwardly through the centre of Temple street to Main street, thence northwardly through the centre of Main street to Church street, thence westwardly through the centre of Church street and of a road and alley beyond, to Spring street, thence northwardly through the centre of Spring street to Myrtle street, thence westwardly through the centre of Myrtle street to Garden street, thence northwardly through the centre of Garden street and of the road running south of the town-house, until the same turns at an angle to the south, thence westwardly in a straight line to the centre of the road running by the

Hartford divided into voting districts.

First District.

residence of Elisha Colt, striking said road where the same turns westwardly, a few rods east of said Colt's premises, thence westwardly through the centre of said road to the west line of the town of Hartford; and southwardly, by a line beginning at the mouth of Little river, where the same empties into the Connecticut river, and extending up the centre of said Little river to the railroad bridge on said river, built partly on the farm of Messrs. Gillette and Hooker, and extending from the middle of said bridge directly west to the town line, shall be and remain the First District.

Second District. That portion of said town that lies northwardly of said first district, as above described, shall be and remain the Second District.

Third District. So much of said town as lies southwardly of said first district, as above described, shall be and remain the Third District.

Electors' meetings, how warned. SEC. 2. The constables of said town, in warning the electors' meetings herein provided for, shall, in addition to the warning now required by law, give notice therein, that ballot boxes will be opened in the several districts aforesaid, for the reception of the votes of the electors of said town, residing in said districts, according to the provisions of this act.

Electors to vote in their respective districts. SEC. 3. At the annual electors' meetings for state officers and other officers required by law to be voted for at such meetings, and at the electors' meetings for the election of electors of president and vice president of the United States, and at the annual town meeting for the choice of town officers, the electors of said town shall give in their ballots for such officers as are required by law to be balloted for at such meetings, in the several districts where the electors respectively reside.

Selectmen to provide places for voting, ballot boxes, &c. SEC. 4. The selectmen of said town shall provide suitable and convenient places for voting at such electors' meetings, in each of such districts, and shall give notice thereof, at least one week before the day of such meetings; and they shall provide, for the use of said electors at said meetings, the necessary ballot boxes, for the purpose of receiving the votes of the electors in the said several districts, which ballot boxes shall be used in said districts, in the same manner as is now provided by law.

Presiding officer. SEC. 5. At such electors' meeting in said town, the presiding officer in said town, who shall be chosen in the

manner now provided by law, shall preside at the place of voting in the first district, and the town clerk and selectmen of said town shall designate for his assistance in the duties of his said office, an assistant presiding officer in each of the other districts, who shall be a resident of the district in which he is appointed to act, who shall preside at the place of voting in said district to which he is designated, and who shall have all the powers, and perform all the duties within said district, of the presiding officer at electors' meetings, except as herein otherwise provided. Assistant presiding officers.

SEC. 6. Immediately after the ballot-boxes are closed, the presiding officer in said town, and his assistants in the several districts, shall, with the aid of the civil authority then present, and such other persons as he may select, proceed in their respective districts to sort and count the ballots which have been given in, in said district; and said assistant presiding officers shall each make a true certificate of all the ballots given for the respective officers in said districts, and shall forthwith transmit such certificates, together with the ballots received, and the ballot-boxes containing the same, and the lists of votes as checked, to the presiding officer in the first district; and thereupon the presiding officer in said first district, after having ascertained the result of the ballots in the whole town, as given in in the several districts as aforesaid, shall declare the same in open meeting. And said presiding officer in said town, shall make out the list of votes given in said town, and make return thereof, in the manner now prescribed by law for presiding officers at electors' meetings. Ballots, how counted, certified, declared and returned.

SEC. 7. That at each annual town meeting held for the choice of town officers, in the town of Hartford, the legal voters of said town shall choose, by general ticket, two electors residing in said town, to be registrars of voters for the year ensuing, for the said several districts, but no person shall vote for more than one of said registrars, and the two persons having the highest number of votes for registrars of said town shall be declared elected. And said registrars shall, at least three weeks before the day of holding any election for the choice of state officers, or for the choice of electors for president and vice-president of the United States, or for choice of town officers; prepare a list as nearly perfect as is practicable, of the names of all the electors who are entitled Registrars, when and how to be chosen. Registrars, to prepare lists of electors.

Lists to be published.

Meeting of registrars to correct lists.

Corrected lists, to be published; to include names of voters "to be made."

Entry of names of voters by certificates.

to vote at the ensuing election in the several districts, which names shall be alphabetically arranged, and opposite the name of each person in said list, the name of the street in which he resides, and the number of his residence in said street, or its location therein, as nearly as may be, shall be written. And the place of such residence shall be in the district wherein such person has his place of lodging at the time of such registration. And said lists shall be published by said registrars in a convenient form, and be circulated by them in the respective election districts. And said registrars shall, in said printed list, give notice of the time when and the places where they will hold at least four meetings within the twelve days next following the publication of said lists of voters, for the purpose of making any proper corrections, by additions, erasures, or other alterations in said lists; and at least one week before the day of holding either of said elections, said registrars shall publish corrected lists of all those who are already entitled to vote at either of said elections, and those who claim to said registrars that they shall be legally entitled to become voters at the ensuing election, and who claim that their legal qualifications will mature subsequently to the completion of said corrected lists, which last list shall be under the title "to be made;" and they shall give a copy of such corrected lists to any elector asking for the same, and shall deposit a certified copy of the same in the town clerk's office.

SEC. 8. Whenever the registrars aforesaid, in the performance of their duties, shall find any elector of this state residing in the respective districts, who may have been duly admitted an elector in some other town, and may be entitled to vote in their respective districts, and who shall present a certificate from the town clerk of said town, of that fact, to said registrars, said registrars shall, after having received said certificate and satisfied themselves of the identity of the person so claiming to have been admitted such elector, enter the name and residence of such elector on their respective lists, and add thereto the words "by certificate from _____," (therein naming the town from which such elector's certificate came;) but the name of no elector shall be added to such list unless, in addition to proof that he is a legally qualified elector of this state, he shall also furnish proof, if required, that he has or will

have resided in said town where said registrars reside, the period of four months next immediately preceding the day of the ensuing election. And said registrars may, on the day of election, add in writing the name and residence of any elector which may have been omitted by mistake or inadvertence, fraud or clerical error, and may erase from said lists the names of any persons who were not legally entitled to vote at said election: *provided*, that no such names shall be added or erased, unless upon consent of both of the registrars; and no person shall be allowed to vote for any officer, at any election holden within said town, whose name is not on said registry lists in the district where he offers to vote: *provided*, that whenever said registrars shall refuse to add the name of any elector to said lists, or shall erase the name of any elector who claims a right to vote at said election, such elector may appeal from the decision of said registrars to the board of selectmen, and said registrars shall certify to the selectmen the reasons of their refusal, when the appeal is taken; and the board of selectmen shall examine, under oath, such elector and such other persons, as may appear as witnesses, either in behalf of or against his claims; and if such elector shall prove to the satisfaction of the board of selectmen, that his name was omitted from the registry list by fraud or clerical error, they may direct the registrars to add his name to said registry list.

Names of electors, omitted by mistake or fraud, may be added on election day.

Appeal from the registrars to the board of selectmen.

Applicants and witnesses to be examined under oath.

SEC. 9. It shall be the duty of each registrar, immediately after his election, to appoint a deputy registrar whose name and appointment shall be deposited with the town clerk of said town of Hartford, and shall be, by said town clerk, recorded on the town records, at the end of the record of the town meeting at which said registrars were elected; and in case said registrar shall from any cause be unable to perform the duties of his office, then the deputy registrar shall perform the duties of the office of registrar during the time of the inability of the registrar to act; and in case of the resignation or death of the registrar, then said deputy registrar shall become the registrar, and shall immediately appoint another person to the office of deputy registrar, which said appointment shall be duly recorded by the town clerk.

Deputy registrars to be appointed.

When to act.

SEC. 10. Each of said registrars shall also appoint an inspector of elections for each of said several voting

Registrars to appoint inspectors of elections for each district.

districts except the first, which inspectors shall be electors residing in their respective districts, and shall discharge, on the days of any election, all the duties in their respective districts which are directed to be discharged on said election days by said registrars.

Registrars and
inspectors to be
sworn

SEC. 11. The registrars and inspectors shall, before entering upon the duties of their office, take the oath by law provided for executive officers, and lodge a certificate of the fact with the town clerk, who shall keep the same on file in his office.

May administer
oaths.

SEC. 12. The registrars and inspectors shall have the right to administer oaths or affirmations, whenever, in the discharge of any of the duties of their office, they or either of them shall deem it necessary or proper to take the testimony of any person whatsoever regarding the right of any person to vote or to be made a voter. The form of the oath to be administered by the registrars and inspectors shall be as follows: "You solemnly swear that concerning the matter now in question, you will tell the truth, the whole truth, and nothing but the truth, so help you God." And the

Record of names
and testimony of
witnesses to be
kept.

Penalty for false
swearing.

said registrars and inspectors shall keep a record of the names and residence and testimony of all persons to whom said oath or affirmation was administered; and any person who shall swear falsely before said registrars or inspectors shall be deemed to be guilty of the crime of perjury, and punished with the penalty thereof.

Duty of regis-
trars and in-
spectors, on days
of election.

SEC. 13. The registrars shall be at the voting place in the first district, and the inspectors shall be at their respective voting places in the second and third district, in each of the elections for state officers, presidential electors, and town officers, held during the year for which they were elected or appointed, to hear and decide any questions which may arise as to the rights of any person to vote in their respective voting districts: *provided*, that any elector whose claim to the right of voting is rejected by either of said inspectors, may apply to the registrars for a review, and said registrars shall, on such review, if they find the applicant entitled to vote, certify the same under their hands to the inspectors, who shall thereupon receive such vote. And on each of said elections each of said registrars and inspectors shall appoint some suitable person or persons to check on the official registry list the names of all persons voting in their respective districts; which list so

Review by regis-
trars, after rejec-
tion by inspec-
tors.

Names of voters
to be checked.

checked shall have the whole number of names checked thereon certified to by the registrars and inspectors of the respective districts, and shall, immediately after the closing of the polls, be deposited in the office of the town clerk, by whom they shall be safely kept, and be open for the inspection of any elector; and if any person whose name is not on the registry list shall vote, or attempt to vote, at either of the elections named in this act, on the name of any other person whose name is on said list, he shall pay a fine of one hundred dollars, and be imprisoned one year in the county jail.

Check lists to be deposited in town clerk's office.

Penalty for voting, or attempt to vote, on name of another person.

SEC. 14. If any person other than the registrars, except the inspectors on the days of election as aforesaid, shall make any alterations, by additions, erasures, or otherwise, in the lists prepared by said registrars, or if the presiding officer of any town meeting in said town, or any other person having charge of any ballot box in any voting district, at any election in said town, shall allow any person to deposit his vote therein, whose name is not on the registry list, or shall refuse to allow any person to vote whose name is on said list, without the assent of both of the registrars or inspectors of said district, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by such fine and imprisonment both; and it shall be the duty of either of the grand jurors of said town, and also the right of the person aggrieved, or of either of the registrars of said town, to forthwith prosecute any violation of this section.

Penalty for altering registry lists;—

for allowing unregistered voter to deposit a ballot,—

or excluding any registered voter.

SEC. 15. Lewis B. Hart and William F. McGinley shall be registrars for the town of Hartford, and shall continue in office until the next annual town election and until others are chosen and sworn in their places; and each of said registrars shall, on or before the 15th day of July, 1861, appoint a deputy registrar, in accordance with the provisions of this act.

Registrars for the current year, designated.

SEC. 16. The compensation of the registrars, deputy registrars, and inspectors, shall be fixed by the selectmen of said town of Hartford; and all expenses incurred by the registrars for printing lists of voters, and all other necessary expenses incurred by them in the discharge of their duties, shall be paid by the treasurer of said town.

Compensation of registrars, deputies, and inspectors, to be fixed by selectmen.

Expenses to be defrayed by town.

SEC. 17. The selectmen and town clerk of said town of Hartford shall meet in said town, at such convenient

Selectmen and town clerk to

meet for deciding
on application
for admission,
and to hear ap-
peals.

place as they may appoint, on the Monday of the third week preceding the week on which the annual state election, or the election for the choice of electors of president and vice-president of the United States shall be held, for the purpose of deciding upon all applications to be admitted to the privileges of an elector, and shall continue in session for that purpose from nine o'clock in the forenoon till five o'clock in the afternoon of said day, if so long a time be necessary, and may adjourn said meeting from time to time and place to place, as may be necessary, until the Thursday of the following week at nine o'clock in the forenoon, when they shall, at five o'clock in the afternoon of said Thursday, adjourn to Tuesday of the week preceding the day of election, for the purpose only of hearing and deciding upon all appeals that may then be made from the registrars; but any appeal that can be made at that time shall not be allowed to be made after that day, and no appeal shall be heard by the selectmen on the day of election, that might have been made prior to said last preceding meeting of the selectmen; and said selectmen shall, on said Tuesday, adjourn to the hour of seven o'clock on the morning of election day, and shall then continue in session for the admission of electors, for two hours and no longer; *provided*, that at said last session they shall not admit any person to the privileges of an elector except those whose names are on the corrected registry lists, as made out by the registrars, under the title, "to be made," certified copies of which list shall be furnished by said registrars to said selectmen.

Certificates of ad-
mission, on the
day of election.

SEC. 18. It shall be the duty of the town clerk of said town to give to each of the persons who may be admitted to the privileges of an elector at said last mentioned meeting of the selectmen and town clerk, a certificate of his admission, which shall contain the name, residence, and number of the voting district wherein such person resides, and shall be delivered to the registrars of said district; and the name and residence of such person shall be entered upon the registry list, before such person shall cast his ballot therein. All which said certificates shall be kept by said registrars, a record of the same be made by them, which said records, together with the certificates, shall be lodged in the town clerk's office, immediately after said election, and be open to the inspection of any elector of said town.

Certificates to be
recorded, and de-
posited in town
clerk's office.

SEC. 19. When any person exhibits to the board of selectmen and town clerk, ^{Papers of naturalization, if approved, to be endorsed.} papers of naturalization, issued to him in due form by a court having jurisdiction, if said board is satisfied of the genuineness of such papers, and that they were issued to the persons presenting them, they shall approve them by a written endorsement thereon, with the date thereof, signed by the town clerk of said town; and if such applicant shall have the other legal qualifications for an elector, they shall admit him in due form, and cause his name to be entered on the list of electors of said town.

SEC. 20. Whenever the town clerk of said town shall give a certificate to any person, that he is an elector in said town, it shall be his duty to keep a record of the name of such elector, the date when such certificate was granted, to whom given, and the name of the town where such certificate is to be used. ^{Town clerk to keep record of certificates given by him.}

SEC. 21. If any officer named in this act shall, without just or reasonable cause, refuse or neglect to discharge any of the duties herein prescribed, he shall, on conviction, be punished by a fine of three hundred dollars; or if any of the officers named in this act shall willfully violate any of the provisions of this act, or if the town clerk of said town shall give a false certificate to any person, such officer or town clerk shall be punished by a fine not exceeding five hundred dollars, and by imprisonment in the common jail six months. ^{Officers refusing or neglecting to discharge duties, how punished.} ^{Willful violations of this act, how punished.}

SEC. 22. The ballot boxes at each of the elections herein provided for, shall be opened at seven o'clock in the forenoon, and closed at five o'clock in the afternoon. ^{Ballot boxes to be kept open from 7 A. M. to 5 P. M.}

SEC. 23. All acts and parts of acts inconsistent herewith, so far as they affect the town of Hartford, are hereby repealed; and the acts passed at the May session, 1860, of the general assembly, entitled, "An Act to provide for the more perfect Registration of the Names of Electors of this State," and the act entitled, "An Act relating to Electors and Elections in the towns of Hartford, New Haven, and Middletown," are, and the same are hereby declared to be, not applicable to or in force in the town of Hartford. ^{Repeal of conflicting provisions.}

Approved, July 2d, 1861.

CHAPTER XLV.

An Act in addition to an Act entitled "An Act concerning Prisons."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Secretary of state directed to transmit blank forms of returns concerning jails, to county commissioners.

SEC. 1. The secretary of state shall, annually, in the month of March, transmit to the county commissioners in the several counties, blank forms of returns concerning jails, for the year ending the last day of March, containing the following printed interrogatories, and with the second, third and fourth sections of this act printed therein:—

JAILS.—Number in jail, April first, committed during the year; discharged; remaining in jail; males, females, adults, minors, whites, colored; natives of this state, natives of other states; natives of other countries who can not read or write; natives of this state who can not read or write; who have been married; who have been intemperate; who have been in prison before; committed as insane; sentenced, for murder,—manslaughter,—setting fires,—robbery,—rape,—attempts at rape,—adultery,—lewd conduct,—assault,—burglary, perjury,—forgery,—larceny,—making or passing counterfeit money,—drunkenness,—as common drunkards,—for violation of liquor law,—keeping houses of ill fame,—for all other offences; average number during the year.

Discharged, by writ of habeas corpus,—by being recognized or bailed,—by payment of fines and costs,—by expiration of sentence,—transferred to other jails for trial; sent to court and not returned; executed; sent to state prison; sent to state reform school; escaped, and not retaken; of prisoners that died; discharged by process not specified above.

Amount expended, for provisions,—clothing,—bedding,—fuel,—light,—medicines,—medical attendance,—chaplain,—inspectors,—salaries and wages; all other expenses.

Amount received from state, for board of prisoners,—from United States; earnings of prisoners; from other sources. Total receipts. Total expenditures.

County commissioners re-

SEC. 2. On or before the fifteenth day of April in

each year, the county commissioners in each county, and, in case the board neglect, any member thereof, shall make and transmit to the secretary of state, true answers to the inquiries contained in said blanks; and the secretary shall prepare and transmit an abstract thereof, in printed form, to the legislature at the ensuing session thereof.

quired to make returns.

Secretary to prepare abstract, for general assembly.

SEC. 3. Every county commissioner, who shall refuse to make and transmit such returns, shall forfeit twenty-five dollars.

Penalty for refusal to make returns

SEC. 4. The secretary, when he finds that the county commissioners in any county are liable to a forfeiture under the preceding section, shall forthwith notify the state attorney for the county in which such county commissioners reside, who shall immediately institute a complaint therefor, and prosecute the same; which forfeiture, when recovered, shall be paid into the treasury of the state.

Secretary to inform state attorney, when commissioners are liable to penalty.

SEC. 5. An act passed, May Session, 1859, and approved, June 9th, 1859, entitled, "An Act in addition to an Act concerning Prisons," be, and the same is hereby repealed.

Approved, July 2d, 1861.

CHAPTER XLVI.

An Act for the Preservation of Fish in Litchfield or Bantam Lake.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 2. No person or persons shall, after the first day of July, A. D. 1861, draw or use any seine or net, for the taking of fish, in the Litchfield or Bantam Lake, in Litchfield county, nor in Lake Wononscopomuc, in Salisbury, in said county.

Fishing with nets in Bantam Lake and Lake Wononscopomuc, prohibited.

SEC. 2. Every person so offending shall be punished by a fine not exceeding twenty dollars, nor less than five, for each and every offence.

Approved, July 2d, 1861.

CHAPTER XLVII.

An Act in addition to "An Act concerning the Domestic Relations."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Guardians may invest proceeds of sale of minor's land, in state bonds.

SEC. 1. That the bond required to be taken by the judge of probate upon the sale of a minor's real estate, may be so conditioned as to authorize the guardian to invest the proceeds in the bonds or loan of this state.

Trust funds may be invested in state bonds.

SEC. 2. That guardians, trustees, executors, or others holding property in a fiduciary capacity, may invest the same in the bonds or loan of this state.

Approved, July 2d, 1861.

CHAPTER XLVIII.

An Act in addition to and in alteration of "An Act concerning Education."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Annual meetings of school districts, when to be held.

SEC. 1. Every school district shall hold an annual meeting on such day in the months of August or September in each year, as the committee or clerk of the district, in the notice thereof, may designate, for the choice of officers and for the transaction of any other business relating to schools in said district; and shall also hold a special meeting, whenever the same shall be duly called; and the district committee may call a special meeting whenever such committee shall think necessary or proper, and shall call a special meeting on the written request of five residents therein qualified to vote; which request shall state the object of calling the same.

Special meetings.

To be called, on request of five residents.

Repeal.

SEC. 2. That section eighth of chapter third of "An Act in addition to, and in alteration of, An Act con-

cerning Education," passed May session, 1856, is hereby repealed.

Approved, July 2d, 1861.

CHAPTER XLIX.

An Act in addition to and in alteration of "An Act further regulating Insurance," passed May Session, 1860.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

That the act approved June 23d, 1860, entitled "An Act further regulating Insurance" does not include, and shall not be construed to include, or be applied to, any mutual insurance companies in this state which are authorized by their respective charters to issue policies without taking a deposit or premium note or notes; and all policies of insurance issued by such mutual insurance companies, according to the terms of their respective charters, since the passing of the said act, and all hereafter issued, shall be held to be good and valid notwithstanding the said act.

Act of 1860, requiring mutual companies to take premium notes, &c., not applicable to companies authorized to issue policies without taking notes or deposit.

Approved, July 2d, 1861.

CHAPTER L.

An Act in alteration of "An Act relating to Taverners, and the sale of Spirituous Liquors."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That the twenty-seventh section of the act entitled "An Act for the suppression of Intemperance," passed, May session, 1854, be, and the same is hereby repealed. *Provided*, that this act shall not affect any suit now pending.

Repeal of section making sales of liquor, void, &c.

SEC. 2. Nothing contained in the act aforesaid shall be so construed as to affect, in any way, negotiable paper.

Approved, July 2d, 1861.

CHAPTER LI.

An Act to confirm the doings of Assessors and Boards of Relief in certain cases.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Doings of assessors and boards of relief, not invalidated by certain defects and omissions.

SEC. 1. That in all cases where the assessors or board of relief in any town have been elected at a meeting not legally warned, for that purpose; and in all cases in which the assessors in any town have omitted to post notices, or publish the same, in accordance with the provisions of the third section of an act entitled "An Act for the Assessment and Collection of Taxes;" and in all cases in which assessors have omitted to sign, or return, or make oath to, an abstract of the assessment lists of their respective towns, or to lodge the same in the town clerk's office in said towns, by the fifteenth day of December in each year, or have not included in said abstract, the list, or a part of the list, of any person; and in all cases in which the assessors have not signed the assessment list or lists of their respective towns, collectively, but have signed the same individually, as for districts or societies in said towns, or have not signed them at all; and in all cases where said assessment list has been added to, made out, or altered, before the boards of relief have equalized and adjusted the returns and assessments of their respective towns; and in all cases in which the board of relief in any town have met for the transaction of business, before the first Monday of January in each year, or have omitted to give notice of the time and place of their meetings, according to law; and in all cases in which the town clerk of any town has not transmitted to the comptroller of public accounts, an abstract of the list of such towns, by the first day

of March in each year, and in which said assessors, or members of such board of relief have omitted to take the oath provided by law; or when the assessors in any town have assessed any company or corporation, under a name or firm by which they are generally known or recognized, yet other than that by which they are known in law; such assessment lists shall not, for any such causes, be adjudged void, but the same are hereby ratified and confirmed; and all taxes which have been, or shall be hereafter laid and imposed, according to such assessment lists, may, notwithstanding, be levied and collected: *provided*, this act shall not affect any suit now pending.

SEC. 2. This act shall take effect from and after the day of its passage.

Approved, July 2d, 1861.

CHAPTER LII.

An Act Relating to Fisheries.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That an act entitled "An Act, in addition to an Act, ^{Repeal of act of 1860, (regulating construction of dams on Farmington river.)} entitled, an Act for encouraging and regulating Fisheries," passed, May Session, A. D. 1860, be, and the same is hereby repealed. *Provided*, that this act shall not affect any suit now pending.

Approved July 3d, 1861.

CHAPTER LIII.

An Act in addition to and in alteration of "An Act concerning Education."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Town tax for the support of schools, and interest of town deposit fund, to be distributed to the school districts.

No district to receive less than thirty-five dollars.

Enumeration in districts formed from parts of two or more towns.

SEC. 1. That the whole amount of money raised by the towns of this state, in accordance with the requirements of chapter thirty-first of the Public Acts of 1860, and all the interest or income arising from moneys known as the town deposit fund, shall annually, on or before the fourth day of March, be distributed to the several school districts, and parts of school districts, within the limits of each town, under the direction of the selectmen and school visitors: *provided*, that whenever the public money derived from the school fund will not amount, according to the rule of distribution, to thirty-five dollars for a district in any one year, it shall be the duty of the selectmen and school visitors to appropriate from said funds a sum sufficient to make the amount equal to thirty-five dollars.

SEC. 2. The committee of any school district formed from parts of two or more towns shall, in their return of the names of the persons between four and sixteen years of age to the school visitors of the town to which such district belongs, specify the towns to which each person thus enumerated belongs, and shall, under oath, make return to the school visitors in any other town which may compose a part of such district, the names of those persons thus enumerated, whose legal residence shall be within the limits of said town, and who, for school purposes, are to be considered as belonging to said district.

SEC. 3. So much of An Act concerning Education, chap. 4, sect. 9, passed 1856, chap. 84 of Public Acts of 1855, and chap. 31 of Public Acts of 1860, as are inconsistent with the provisions of this Act, are hereby repealed.

Approved, July 3d, 1861.

CHAPTER LIV.

An Act in addition to "An Act concerning Education."

Be it enacted by the Senate and House of Representatives, in General Assembly convened :

SEC. 1. That in all cases where any school district or districts in this state, shall have neglected to elect by ballot at their annual meeting, a committee, clerk, treasurer or collector, for such school district or districts, in conformity with the provisions of the 15th section of the third chapter of the act passed, May Session, 1856, entitled, "An Act in addition to and in alteration of An Act concerning Education," the proceedings of such districts in electing such officers in a mode different from that prescribed in said act, and the official acts of all such officers, shall be, and the same are hereby confirmed, and made valid to all intents and purposes. Confirming elections of school district officers.

SEC. 2. That whenever in any school district in this state, a tax shall have been heretofore laid, and the district committee have, in case of real estate lying partly within, and partly without said district, put a separate value on that portion of real estate lying in said district, for the purpose of laying said tax, the laying of said tax shall be considered legal, and is hereby validated and confirmed: *provided*, all other acts and proceedings in regard to said tax, shall have been conformable to law. Confirming school district taxes.

SEC. 3. This act shall not affect any suit now pending.

Approved, July 3d, 1861.

CHAPTER LV.

An Act in relation to Drains and Drain Companies.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Proprietors of
low lands may
organize drain
companies.

SEC. 1. That whenever the major part of the proprietors of any meadow, marshy, or low lands, or of grounds which are injured by the overflowing of water, or which may be benefited and rendered more valuable by draining; or of swampy lands which may be rendered more valuable by drowning and draining the same; or if there are more than twenty of such proprietors, then whenever not less than ten of said proprietors shall bring their petition to the superior court in the county where such lands or the greater portion of them are situated, representing to said court the circumstances thereof, praying for leave to remove any obstructions to the passage of the water in rivers, brooks, streams or ponds, which occasion the overflowing of any part of such meadow, marshy or low lands, or for leave to open any new drains where the same may be necessary, or for leave to flow and drain such swampy lands, or for making dams to prevent the water from overflowing any such meadow, marshy or low lands; due notice having been given to the other proprietors, to appear at said court to make objections, if any they have, to the granting of such leave, which notice may be served by any proper officer or indifferent person leaving a certified copy of such petition with each of said proprietors, or at their usual place of abode, at least twelve days before the sitting of the court to which the same is returnable; *provided*, that if either of said proprietors reside out of the town or towns where such lands are situated, then if such certified copy shall be deposited by such officer or indifferent person, in any post office in such town or towns, postage paid, directed to the address of such proprietor as near as the same can be ascertained, then such proprietor shall be deemed to have received due notice of the pendency of such petition. Upon the hearing of said petition, either of said petitioners or respondents, may appear and be heard by themselves, their witnesses, and attorneys; and said court may

issue an order, granting the prayer of the petitioners, and authorizing the organization of all of said proprietors who may be benefited as aforesaid, under the name and style of the

Drain Company; and said order shall fix and establish the bounds of said company, and shall name and appoint two persons to be scavengers for said company, the one first named to hold office for one year, and the other for two years, and until their successors are chosen by the proprietors at their annual meetings and duly sworn. Said scavengers so appointed by the court shall call the first meeting of said company at such time and place, and by giving such notice as the court shall direct; at which meeting the proprietors may appoint the officers named in the next section, and may do any other business which they may thereafter do at an annual meeting.

SEC. 2. The proprietors composing said drain company, shall hold an annual meeting, at such time and place, and upon such notice, as they shall have previously agreed upon in a lawful meeting; at which annual meeting they shall choose a clerk who shall be sworn, a treasurer, a collector of taxes, and one scavenger, all of whom, except the scavenger, shall hold office until the next annual meeting, and until others are chosen in their places and duly qualified. The scavenger shall hold office for three years, and until his successor is duly chosen and sworn. If at any time there shall be a vacancy in any of the offices herein named, the same may be filled at any lawful meeting of said company.

Drain companies to hold annual meetings, for choice of officers, &c.

SEC. 3. The proprietors at their annual meetings, or at meetings legally warned for that purpose, may direct their scavengers to employ persons to remove any obstructions to the passage of the waters in any river, brook, stream, pond, drain or ditch, or to erect or keep in repair any dam, or to open any new drain or ditch, and to lay taxes to meet the liabilities of the company, and to do and perform any other services contemplated in this act, or necessary to carry the same into full effect.

Powers of proprietors.

SEC. 4. The scavengers duly appointed or chosen under the provisions of this act, may be proprietors in said drain company, or indifferent freeholders residing in the town where the company is located, and they shall take the oath provided by law; they shall warn

Scavengers may be proprietors, or not; to be sworn.

Their duties and powers.

all meetings of the company by giving such notice as the proprietors shall have agreed upon in a lawful meeting; they shall call a special meeting upon the written request of three proprietors, and at such other times as said scavengers shall deem best; they shall make out all taxes, and procure a warrant for their collection from a justice of the peace; they shall draw all orders on the treasurer, and shall perform all the duties of a committee of the proprietors; they shall, within four weeks next after the organization of the company, and within four weeks next after the annual meeting, once in five years thereafter, ascertain and determine the quantity of land which each proprietor owns within the limits of the company, and the proportion of benefit which they will receive from the opening or clearing of such drains and ditches, or the erection of such dams, &c., and having assessed the same in such proportion as said scavengers deem equal and just, they shall cause such assessment to be recorded by the clerk of said company, and all votes shall be counted and taxes laid in proportion to the interest thus assessed; they shall make a full report of their doings to each annual meeting, which report shall be in writing; and they, with the collector, shall receive such compensation as the proprietors shall have voted at their first, or an annual meeting.

Powers of collectors of taxes.

SEC. 5. The collectors of taxes shall have the same authority, and be entitled to the same fees in performing the duties of their office, as collectors of town taxes, and shall be liable to the same penalties for refusal to accept and execute the duties of the office.

Approved, July 3d, 1861.

CHAPTER LVI.

An Act amending an Act, entitled "An Act in addition to and in alteration of an Act concerning Education," passed May Session, 1856.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

SEC. 1. That whenever any town shall maintain any school of a higher grade for the older and more advanced children of either sex, the board of school visitors of such town shall prescribe rules and regulations for the admission of scholars into such school, and for the studies, books and classification of the same and shall examine all candidates for teachers in such school, and shall give to those persons with whose moral character and literary attainments and ability to teach they are satisfied, a certificate setting forth the branches he or she is found capable of teaching, and shall visit such school at least twice during each season for schooling, and may annul the certificate of any teacher in the manner and for the causes provided in the second section, chapter fifth, of the act to which this is an amendment.

Board of school visitors may make regulations for schools of higher grade, examine teachers, &c.

SEC. 2. Such town may at its annual election or at any meeting specially warned for that purpose choose by ballot a committee of not more than five residents of the town, who shall have all the powers and discharge all the duties in relation to such school as are by law imposed upon district committees in relation to district schools.

Towns may choose a committee, for schools of higher grade, — with powers of district committee.

SEC. 3. Whenever any town shall fail to elect a committee as provided in the second section, the board of school visitors of such town shall appoint a committee who shall have the powers and discharge the duties provided in the second section.

When the town fails to elect, board of school visitors shall appoint the committee.

SEC. 4. So much of the fifth chapter of the act to which this is an amendment, as conflicts with the spirit and meaning of this act, is annulled in its application to schools of a higher grade.

Repeal of conflicting provisions.

Approved, July 3d, 1861.

CHAPTER LVII.

An Act in addition to an Act entitled "An Act for the Settlement of Estates, Testate, Intestate and Insolvent."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Interest of distributor appointed by court of probate not to invalidate distribution.

That whenever a court of probate has accepted and approved a distribution of the estate of a deceased person, and one of the distributors appointed by such court shall have been at the time of making such distribution legally disqualified to act as such distributor, by reason of relationship to either of the parties interested in such estate, and no objection has been made to such distribution for such reason, and no appeal has been taken therefrom, such distribution, if in all other respects legal, shall not be invalid in consequence of such disqualification of one of the distributors; *provided*, the other distributors shall have been duly qualified, and have acted in the making of such distribution.

Approved, July 3d, 1861.

CHAPTER LVIII.

An Act in addition to "An Act for the regulation of Civil Actions."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Perishable property, or live stock, under levy of execution, may be sold at the expiration of seven days.

SEC. 1. That whenever execution shall be levied upon any personal property, being in its nature perishable, or being live stock, the custody and preservation of which would be expensive, the same shall be sold at public vendue, according to the provisions of section 175 of the act to which this is in addition, at the expiration of seven days, instead of at the end of twenty-one days as in said section provided.

COUNTY TREASURERS.—CRIMES AND PUNISHMENTS.

SEC. 2. That the provisions of the 20th and 180th sections of said act be, and the same are hereby extended and applied to the levy of an attachment or execution upon any crop deposited in a building, which can not, in the opinion of the officer levying upon the same, be moved without manifest injury.

Levy to be made on crops, in buildings.

Approved, July 3d, 1861.

CHAPTER LIX.

An Act relating to County Treasurers.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That the person who shall be appointed treasurer of any county in this state, shall, before he enters upon the execution of his office, give bond to the treasurer of the state, in the sum of five thousand dollars, with surety; which bond shall be kept by said treasurer of the state, and shall continue during the time for which such person shall be elected county treasurer, and exercise the office; and the said county treasurer shall give new bonds whenever the same shall be required by the treasurer of the state.

County treasurer required to give bonds to state treasurer.

State treasurer may require new bonds.

Approved, July 3d, 1861.

CHAPTER LX.

An Act in addition to "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. Every person who shall willfully and maliciously lead, drive, or let out of an enclosure, any cattle, horses, sheep, or swine, with intent to cause the same to be taken up and impounded, shall be punished

Letting out cattle, &c., for the purpose of having them impounded, how punished.

by a fine not exceeding seven dollars, or by imprisonment in a common jail not exceeding thirty days.

Approved, July 3d, 1861.

CHAPTER LXI.

An Act in alteration of "An Act to restrain Horses, Mules and Cattle from running at large."

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Fees for impounding cattle and horses found on highways or commons.

That the fees for impounding cattle and horses, going at large on any highway, or common, shall be twenty-five cents per head, instead of fifty cents per head as heretofore provided ; one-half to the person impounding the same, and one-half to the pound-keeper. *Provided*, that this act shall not affect any suit now pending.

Approved, July 3d, 1861.

CHAPTER LXII.

An Act relating to Repairs of Turnpike Roads.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Selectmen may give notice to directors of turnpike company, when road or bridge is out of repair.

SEC. 1. That when any portion of a turnpike road or any bridge thereon, which it is the duty of the company owning such road to keep in repair, shall be so far out of repair as to endanger the safety of travellers, a majority of the selectmen in any town through which said road passes, may give notice thereof in writing to any one of the directors of the company owning such road.

Repairs to be made in one month after no-

SEC. 2. The necessary repairs on such road or bridge shall be made within one month after such no-

tice, if practicable, but if they can not so be made, such turnpike company may apply for further time for completing the same, to any judge of the supreme court of errors, or superior court, giving reasonable notice of such application to such selectmen; and if such judge shall find that such turnpike company, have in fact begun said repairs, and intend in good faith, with reasonable diligence, to complete the same, he may extend the time therefor, to such period as he may deem reasonable.

SEC. 3. In case such repairs shall not be completed within the time limited by such judge, or in case the time shall not have been extended by him, as aforesaid, within thirty days from such notice by said selectmen, then and in that case, one or more of such selectmen may give notice of such neglect of said turnpike company, to the attorney for the state, in the county where such town is situate, who shall thereupon file an information in the nature of a *Quo Warranto*, in the superior court for such county, against such turnpike company; and in case upon a trial it shall be found that such notice to such director has been given, that such road or bridge was so out of repair, and so continued for the term of one month after such notice by said selectmen, or after the time limited by such judge, then such court shall adjudge the charter of such turnpike company to be forfeited.

—unless the time is extended by order of judge.

On failure of company to complete repairs, selectmen may notify state attorney,—

Who shall proceed by *Quo Warranto*, to a judgment of forfeiture.

Approved, July 3d, 1861.

CHAPTER LXIII.

An Act in addition to "An Act concerning Attachments of Real Estate."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

That no attachment of real estate in this state shall be valid unless such attachment shall be made in the manner prescribed in chapter ninety-fifth of the Public Acts of 1855.

Attachments of real estate must be made in accordance with act of 1855.

Approved, July 3d, 1861.

CHAPTER LXIV.

An Act in addition to "An Act concerning Highways and Bridges."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Bridges between this and adjoining states, to be kept in repair by the towns, &c.

SEC. 1. Where any bridge now exists over any river or stream of water, which is the boundary or dividing line of this state and any other state, and the same is a public bridge, and used as such, and is of public convenience and necessity, and is not owned by any body corporate, it shall be the duty of the town within which any portion of such bridge is situated, to maintain, re-erect and keep in suitable repair, the portion of such bridge that lies within the limits of such town. *Providing*, the authority of the adjoining state shall maintain, re-erect and keep in suitable repair, the portion of such bridge that lies in said adjoining state; and when any town shall violate the provisions of this act, they may be proceeded against under, and in pursuance of the 8th section of "An Act concerning Highways and Bridges," and the acts in addition thereto, and in alteration thereof.

SEC. 2. And all acts and parts of acts, whether public or private, inconsistent with the provisions of this act, are hereby repealed.

Approved, July 8d, 1861.

CHAPTER LXV.

An Act relating to the Militia.

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

What persons are to be enrolled.

SEC. 1. Every able-bodied white male citizen, resident within this state, of the age of eighteen years and under the age of forty-five years, excepting such persons as are legally exempt by reason of their compli-

What persons are exempted.

ance with the provisions of any laws heretofore existing in this state, persons exempted by the following sections of this act, idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crimes, shall be enrolled in the militia; persons so convicted after enrollment shall be disenrolled; and in all cases of doubt respecting the age of a person enrolled, the burden of proof shall be on him.

SEC. 2. The selectmen of the several towns in this state shall, on or before the first day of August, A. D. 1861, and some time in the months of November and December, in the year 1862, and annually thereafter, at the expense of the towns, enroll, or cause to be enrolled, the names of all persons liable to enrollment, residing within the limits of their respective towns; which names shall be enrolled alphabetically, in a book which shall be deposited in the office of the town clerk. Selectmen to cause enrollment to be made, and deposited with town clerk.

And the selectmen shall, on or before the 10th day of August, 1861, and on or before the 10th day of January, 1863, and annually thereafter, transmit to the adjutant-general a certified report of the number of persons so enrolled. And make report to the adjutant-general.

And if the selectmen of any town shall refuse or neglect to perform the duty required by this act, the commander-in-chief shall cause the same to be done as soon as may be; and the person or persons so performing such service shall be entitled to recover of said town a reasonable compensation therefor; and the selectmen, for such refusal or neglect, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in the name of the treasurer of this state. Enrollment how made, when the selectmen neglect or refuse. Penalty for neglect or refusal by selectmen.

SEC. 3. All parents, guardians, tavern-keepers, or persons who keep boarders, or who have men in their employment, upon being required by any one of the selectmen of the town in which they reside, shall give to such selectmen a true account of their sons, or wards, or of the men boarding with them, or in their employment, together with their names and ages, if known; and any person neglecting or refusing so to do, shall forfeit the sum of twenty dollars to the town, to be recovered by action of debt in the name of the treasurer of the town; and every person supposed to be liable to enrollment who shall refuse to give information, or who shall give false information to any such selectman respecting his name, age, or liability to en- Parents, tavern-keepers, &c., to give true account to selectmen. Penalty for neglect, refusal, or false return.

rollment, shall, in like manner, forfeit and pay the sum of ten dollars.

Selectmen to add one dollar, additional tax, to each person enrolled, except, &c.

SEC. 4. It shall be the duty of the selectmen of each town, at the time of making the rate bill for the collection of the annual town tax, to insert in such rate bill an additional tax of one dollar upon each person enrolled in the militia, as aforesaid, except minors, members of the active militia, and persons exempted from military duty by the provisions of this act; which tax shall be in commutation of military duty, and shall be collected in the same time and in the same manner as is by law provided for the collection of town taxes; and when so collected, shall be paid into the state treasury.

Such tax to be in commutation of military duty.

To be paid into state treasury.

Enrolled militia, when subject to active duty.

SEC. 5. The enrolled militia, except those who may become members of the active militia, as hereinafter provided, shall be subject to active duty only in case of war, invasion, the prevention of invasion, rebellion and insurrection; in which case the commander-in-chief shall order out for active service, by draft or otherwise, as many of the militia as the necessity of the case demands.

Order of commander-in-chief, for draft for active service, how directed, and executed.

SEC. 6. The order of the commander-in-chief, for such purpose, may be directed to the selectmen of any town, who shall thereupon appoint a time and place of parade for the inactive militia in such towns, and shall order them to appear at such time and place, either by leaving written or printed notices, or orally, and shall then and there proceed to draft by lot as many thereof, or to accept as many volunteers as are required by the order of the commander-in-chief, and shall forthwith notify the commander-in-chief that they have performed such duty.

Penalty for non-appearance when drafted.

SEC. 7. Every soldier thus ordered out from the inactive militia, or who volunteers, or is detached, or drafted, who, unless prevented by sickness or other inability, does not appear at the time and place designated by the selectmen and prove that he is exempt by the provisions of this act, or who does not provide some proper and able-bodied substitute at such time and place, shall be liable to pay a fine of seventy-five dollars for the use of the state, and unless such fine shall be paid to such selectmen within twenty-four hours from such time, such person shall be taken to be a soldier absent without leave, and shall be dealt with accordingly.

SEC. 8. When the enrolled militia are ordered out, or have volunteered, and while they are in actual service, as specified in section five, they shall be organized by the commander-in-chief, into companies, battalions, regiments, brigades, and divisions, which shall be numbered and recorded in the office of the adjutant-general, and shall be governed and trained according to the laws of this state and of the United States; and this state shall furnish arms and equipments for each non-commissioned officer and private, and shall pay them while in the service of this state; and when troops are in the field for such purposes, the senior officer of the troops present shall command, until the commander-in-chief, or some other officer detailed by him, shall take command.

Militia in active service, how organized, and governed.

Arms and equipments to be furnished by the state.

Senior officer to command.

SEC. 9. In addition to the persons exempted by the laws of the United States, the persons hereinafter mentioned shall also be exempted from enrollment in the militia:—

Who are exempted from enrollment.

Ministers of the Gospel, of every denomination;

Licensed physicians and surgeons while they continue in practice;

Judges and clerks of the supreme, superior, city, police, and probate courts, and town clerks and registers;

Members of the senate and house of representatives, and all officers of the general assembly, during their term of office;

The state treasurer, secretary, comptroller, librarian, and commissioner of the school fund, while in office, with their respective clerks and assistants;

Sheriffs and their deputies; officers and attendants of the American asylum for the deaf and dumb; of the state and county prisons; of the reform school; the retreat for the insane, and public hospitals; keepers of lighthouses; conductors and engine-drivers of railroad trains; and members of the community in Enfield in this state, called Shakers, and members of the society of Friends or Quakers.

SEC. 10. That all persons who shall be members of any fire company, authorized by and organized under the laws of this state, and all persons who shall be engineers or wardens of any fire department in any of the towns of this state, shall, during the time of such service, be exempt from the performance of military

Members of fire companies exempted, except in time of war.

duty except in the case of war or insurrection, and all persons who shall have served six successive years in the capacity of fireman, or as engineer or warden of any fire department in any incorporated city of this state, pursuant to the laws of this state, shall be and remain thereafter exempt from the performance of military duty, except in the case of war or insurrection.

CHAPTER II.

OF THE ORGANIZATION OF THE MILITIA.

Active militia,
how to be organized,
and apportioned;—

SEC. 11. The active militia shall consist of not less than forty nor more than sixty-four companies to be hereafter organized under orders from the commander-in-chief, and shall be apportioned among the counties according to population; and when a county does not raise its quota the commander-in-chief may supply the same by draft from such towns as he may direct, or may complete the prescribed number by accepting volunteers in other counties, at his discretion: and in case of war, invasion, the prevention of invasion, the suppression of riots and rebellion, and to aid civil officers in the execution of the laws of this state and of the United States, shall first be ordered into service; and in times of war or insurrection the commander-in-chief may organize from the inactive militia such companies as he may deem necessary to defend and maintain the safety of the state, and to comply with any requisition made by the President of the United States. And the active militia thus organized shall be liable at all times to be called into the service of this state and, in case of war or insurrection, to be turned over into the service of the United States, on the order of the commander-in-chief, to comply with any requisition made by the President of the United States.

To be first ordered
into active
service.

Commander-in-
chief may organize
companies
from inactive
militia.

Organized militia
liable to be
turned over to
service of United
States.

Drafts from the
inactive militia,
how to be made.

SEC. 12. Whenever it shall be necessary to make a draft for the purposes specified in the preceding section, or to fill up any military company in this state, the commander-in-chief shall issue his order to the selectmen of any town, for such purpose, who shall thereupon proceed to designate by lot, from the inactive militia, the prescribed number, and shall within forty-eight hours thereafter notify in writing the persons so drafted. And every such person shall be enrolled as a

member of the company for which he may be designated, unless he shall within five days, prove to such selectmen that he is legally exempt from the performance of military duty, procure an able-bodied substitute to serve in his stead, or pay to such selectmen for the use of the state the sum of ten dollars; and said selectmen shall continue to draft, as aforesaid, until the prescribed number is complete, and thereupon forthwith make report of their doings to the commander-in-chief.

SEC. 13. The state shall constitute one military division district, which shall be commanded by a major-general; and when the active militia shall exist in sufficient numbers, and are conveniently located, the commander-in-chief may arrange them into brigades, regiments, battalions, and companies, conformably to the laws of the United States, and make such alterations as from time to time may be necessary. Each brigade, regiment, battalion, and company, shall be numbered at the formation thereof, and a record thereof made in the office of the adjutant-general.

The state to constitute one military division.

Commander-in-chief to arrange militia, in brigades, regiments, &c.

SEC. 14. The officers of the militia shall be a commander-in-chief, a major-general, brigadier-general, adjutant-general, quartermaster-general, commissary-general, paymaster-general, colonels, lieutenant-colonels, majors, captains, lieutenants, and such other officers as shall be hereinafter named.

Officers.

SEC. 15. The governor shall be commander-in-chief of the militia of the state, except when called into the service of the United States.

Governor to be commander-in-chief.

SEC. 16. The major-general shall be appointed by the general assembly, and shall be commissioned by the commander-in-chief; but whenever there shall be a vacancy in said office during the recess of the general assembly, such vacancy shall be filled, for the time being, by appointment of the commander-in-chief.

Major-general, how appointed and commissioned.

SEC. 17. The adjutant-general, who shall have the rank of brigadier, shall be appointed and commissioned by the commander-in-chief, and with his approbation the adjutant-general may appoint an assistant, with the rank of captain, and may remove such assistant at his pleasure.

Adjutant-general; how appointed, and commissioned; his rank. Assistant.

SEC. 18. The quartermaster-general, the commissary-general, and the paymaster-general, shall be appointed by the senate, upon the nomination of the

Quartermaster-general, commissary-general, and paymaster-general.

eral; appointment, and rank.

Vacancies, how filled.

Quartermaster-general and commissary-general may appoint assistants.

Aides-de-camp of commander-in-chief.

Major-general's staff.

Brigade staff.

Regimental staff.

Brigadier-generals, how nominated and commissioned.

Field officers of regiments, how nominated, &c.

commander-in-chief, and upon his recommendation, may be removed from their offices, respectively, by the senate. The quartermaster-general, and the commissary-general shall each have the rank of lieutenant-colonel, and the paymaster-general shall have the rank of major. If either of said offices shall become vacant during the recess of the general assembly, such vacancy shall be filled by the commander-in-chief, and the person so appointed, shall hold his office until the session of the general assembly next after such appointment. The quartermaster-general and the commissary-general may appoint, with the approbation of the commander-in-chief, one or more assistants, for whose conduct they shall be respectively responsible; and whom they may remove at pleasure.

SEC. 19. The commander-in-chief shall appoint for himself two aides-de-camp, who shall have the rank of lieutenant-colonel. The major-general shall appoint for himself two aides-de-camp, and a division-quartermaster, each with the rank of major; also, a division-inspector with the rank of lieutenant-colonel. Each brigadier-general shall appoint for himself one aide-de-camp and one brigade-quartermaster, each with the rank of captain; also, a brigade-inspector with the rank of major, to serve also as brigade-major. Each colonel shall appoint for his regiment an adjutant, quartermaster and paymaster, each with the rank of lieutenant; a chaplain, surgeon, surgeons' mate, sergeant-major, quartermaster-sergeant, drum-major, fife-major and trumpet-major, all of which appointments shall be published in orders.

SEC. 20. Brigadier-generals shall be nominated by the field officers of the brigade, and commissioned by the commander-in-chief; and whenever said office shall be vacant the commander-in-chief shall issue an order to such officers as he may designate, belonging to the brigade in which such vacancy exists, directing such officer to assemble the field officers of said brigade, at such time and place as he may appoint; and when so assembled to lead them to the nomination of a brigadier-general by ballot, and make return of said meeting to the adjutant-general. The field officers of each regiment and battalion shall be nominated by the field and commissioned officers of such regiment or battalion, and whenever any vacancy shall exist in the office of

field officers of any regiment or battalion, the commander-in-chief shall issue an order to such field officer, or to such other officer belonging to the regiment or battalion in which such vacancy exists, as he may designate, directing such officer to assemble the field and commissioned officers of such regiment or battalion, at such time and place as he may appoint; and when so assembled they shall proceed to nominate, by ballot, such officer as the order shall specify; and if any vacancy shall occur in the field officers of said regiment or battalion in consequence of said choice, such presiding officer shall proceed in the same manner to fill such vacancy, and make return of the order with his doings endorsed thereon, to the adjutant-general. In all cases where a meeting of officers is to be held for the purpose aforesaid, a notice, specifying the time and place of such meeting, shall be considered a legal notice, if addressed by mail to the person to be notified, at least ten days previous to the day of such meeting, by the person designated to preside at the same.

SEC. 21. All company, commissioned and non-com-
 missioned officers, shall be chosen by their respective
 companies, the commanding officer first causing notice
 to be given to those entitled to vote, that he is about to
 lead them to the choice of such officers: *provided,*
however, that if any company, after having been twice
 ordered out for the choice of commissioned officers,
 shall, at the expiration of three days from the second
 time of their being so ordered out, be destitute of com-
 missioned officers, either in whole or in part, the com-
 mandant of the regiment to which such company is
 attached may nominate to the commanding officer of
 the brigade to which said regiment belongs, suitable
 persons to fill all vacancies then existing among the
 commissioned officers of such company; and if such
 nominations shall be approved by said commandant of
 brigade, the person so nominated and approved, may
 be commissioned by the commander-in-chief. Said
 commandant of regiment shall also, at his discretion,
 grant warrants to each person who may be elected
 sergeant or corporal by any company under his com-
 mand; and if any company shall fail to elect all the
 warrant officers necessary for said company, according
 to the provisions of this act, he may issue a warrant to

Company off-
 cers, how chosen.

Warrant officers.

Non-commissioned officers may be reduced to the ranks, for misconduct.

such member of such company as he may deem proper; and said commandant shall further have power to reduce to the ranks any non-commissioned officer attached to his regiment, whom, on complaint made and due notice given, he shall find guilty of misconduct or neglect of duty.

On failure to make choice of field officers, vacancies to be filled by commander-in-chief.

SEC. 22. Whenever the commissioned officers of any brigade, regiment, battalion, or company, shall fail to make choice of a brigadier-general, colonel, lieutenant-colonel, or major, or of all such officers, the commander-in-chief may fill the vacancy or vacancies in such manner as he may deem proper, and he may grant commissions to any and all persons who may be duly elected or appointed to office in any brigade, regiment, or company: *provided*, that if the general assembly, to which the returns of elections shall be made, shall disapprove the same, the commission or commissions so granted shall become void after such disapproval; and all officers commissioned in pursuance of this act shall take rank from the day of their respective elections or nominations.

Commissions to be granted, subject to approval of general assembly.

Date of rank.

Companies, when to be called out for choice of officers.

SEC. 23. The commanding officer of any company, when so ordered, shall call out his company for the choice of captain or subalterns, and may call out his company for the choice of non-commissioned officers at any time in the year.

Returns of election to be made to adjutant general.

SEC. 24. The return of commissioned officers elected in any company, shall be forthwith made to the adjutant-general, and a duplicate of the same to the commander of the regiment to which such company is attached; and if within ten days after such election there shall be no objection or remonstrance, commissions may be granted as aforesaid.

Commissions, when to be granted

Remonstrances, to whom to be referred.

SEC. 25. Every remonstrance against granting commissions to officers chosen during the recess of the general assembly, shall be referred to the major-general, if of the grade of a general or field officer, and if under the grade of a field officer, to the brigadier-general commanding the brigade in which the election was held, who, after having first given notice to all persons interested, shall hear and decide in the matter of the said choice, and if found illegal, shall order a new election.

Resignations, to whom to be made.

SEC. 26. The resignation of the major-general shall be made to the general assembly; the resignation of

general and field officers shall be made to the commander-in-chief; the resignations of the commissioned officers of the several companies shall be made either to the major-general or to the brigadier-general commanding the brigade to which the officer belongs; the resignations of all other officers shall be made to the officers from whom they shall have respectively received their commissions and warrants; and upon the acceptance of their resignation, the officers making the same shall be discharged from their respective offices; *provided*, that all the commissioned officers of any company shall not be discharged until one or more successors shall have been duly elected and commissioned.

SEC. 27. All general officers and their staff, the adjutant-general, the quartermaster-general, the commissary-general, and their assistants, the paymaster-general, and all field officers, adjutants, and quartermasters, shall do duty on horseback; chaplains, paymasters, and surgeons, sergeant-majors, and quartermaster-sergeants, may, on days of general review, appear on horseback; and all other officers shall do duty on foot, except the officers of the cavalry and horse artillery.

What officers to do duty on horseback.

SEC. 28. There shall be two batteries of flying artillery, to consist of not less than one hundred and thirty men each, and to be officered as the commander-in-chief may direct. To every company of cavalry, artillery, infantry or light infantry, or riflemen, there shall be one captain, one first and one second lieutenant, one first sergeant, four sergeants, eight corporals, not exceeding three musicians, and not less than sixty-four privates, nor more than eighty-two.

Flying artillery.

Companies how composed.

SEC. 29. Non-commissioned officers shall be chosen from the members of the company to which they belong, or from persons not members of other military companies; and the musicians shall be appointed by the commandant of each company.

Non-commissioned officers, not to be chosen from other companies. Musicians, how appointed.

SEC. 30. All general, field and staff officers, and the commissioned officers of the several companies, shall hold their respective commissions for three years, unless sooner discharged, and all non-commissioned officers, musicians and privates shall serve for five years, unless sooner discharged; and all persons who shall have held a commission under this act, and have performed the duties thereof for the term of three

General, field, and staff officers, to hold commissions for three years.

Non-commissioned officers and privates, to serve five years.

years, and every person who shall have done duty under this act as a non-commissioned officer, musician, or private, for the term of five years, shall thereafter be exempt from military duty, except in the case of war or insurrection; and shall also be exempt from the payment of poll-taxes and commutation taxes for five years after they shall have been honorably discharged.

Existing companies to be disbanded and officers discharged, August 1st, 1861

SEC. 31. All the military companies in this state heretofore organized, or existing under the act entitled "An Act for forming and conducting the Military Force," approved July first, 1854, shall, on the first day of August, A. D. 1861, be disbanded, and the officers and men of said company, the major-general and staff, the brigadier-generals and their respective staffs, and the field and staff officers of the several regiments in this state, shall, on and after that date, be honorably discharged: *provided*, that nothing herein contained shall be so construed as to render ineligible any officer hereby discharged, nor to prevent any company hereby disbanded from reorganizing under the provisions of this act: *and further provided*, that if any officer, musician, or private of the present military organization of the state, whose term of enlistment has not expired, shall enlist into the service of the state, under the provisions of this act, the time heretofore served by such officer, musician, or private, under any law heretofore existing, shall be taken and considered as a part of the term of service required by this act.

Officers, now in commission, not ineligible to new election.

Term of past service to be computed as a part of the required term.

Commander-in-chief may disband companies, and discharge officers.

May delegate his powers, to discharge, &c.

General powers.

SEC. 32. The commander-in-chief is hereby fully authorized and empowered to disband any military company, as the interest of the militia, in his opinion, may require; to discharge commissioned and non-commissioned officers, and all other persons who have performed the duty required by this act, or who, from incompetency or other cause, have failed to perform their duty; to delegate to the major-general and brigadier-generals the power to discharge officers and other persons; and, generally, to exercise all the powers necessary to carry into full effect the provisions of this act.

CHAPTER III.

OF ARMS, ARMORIES, AND EQUIPMENTS.

SEC. 33. The quartermaster-general shall furnish, Quartermaster-general to furnish arms and equipments; subject to the orders of the commander-in-chief, all necessary arms and equipments suited to the particular companies or corps belonging to each regiment, required for field duty, at the expense of the state; and it shall be the duty of the comptroller to draw his To be paid for from the state treasury. warrant on the treasurer for the amount expended by the quartermaster-general in the purchase of such necessary arms and equipments. The commanding Commanders of companies responsible for arms, &c.; to give bonds. officer of each company shall be responsible for the safe-keeping and return of all arms and equipments committed to his charge, and shall execute such bonds as the quartermaster-general shall require, from time to time; and no company shall be so furnished until bonds for the safe-keeping and return of all arms and equipments shall be executed and approved by the quartermaster-general, nor until a suitable armory Armory to be provided. shall be selected for their deposit. Such armory shall be under the charge and control of the commanding officer of the company occupying the same; and such commanding officer shall cause all arms and equipments received from time to time, for the use of his company, to be deposited therein. The commanding officer of Person to be appointed to take charge of armory; under regulations prescribed by the quartermaster-general. each company shall appoint a suitable person to take charge of the armory, and of all arms, equipments, and other property of the state deposited therein, and to discharge all such duties connected therewith, as shall be, from time to time, prescribed by the quartermaster-general; and the quartermaster-general shall, from time to time, make such orders and regulations as he may deem proper for the observance of all officers having charge of any armory or gun-house, in which arms of the state shall be deposited; and any person who shall willfully injure such armory or gun-house, Willful injury to armory or arms, to be deemed a misdemeanor. or its fixtures, or any gun, sword, or pistol, or other property of the state, therein deposited, shall be guilty of a misdemeanor.

SEC. 34. It shall be the duty of the brigade-majors Brigade majors to inspect armories, annually; and report to of the respective brigades, annually, in the month of October or November, to carefully inspect the armories

quartermaster
general.

and gun-houses of the companies belonging to their brigades, and on or before the first day of December to make a full report to the quarter-master-general of the condition of the same, and of the number of arms and equipments of the state, deposited in such armories and gun-houses; and such brigade-majors shall be allowed nine cents per mile for all necessary travel in the performance of such duties; and in case either of the brigade-majors, by reason of sickness or other cause, shall fail to comply with the provisions of this section, it shall be the duty of the brigadier-general of the brigade to which such officer is attached, to appoint some other suitable persons to perform said duty, who shall be entitled to the same compensation therefor as is provided for brigade-majors.

Compensation.

On failure of the
brigade-major,
brigadier-general
may appoint.

Colors to be fur-
nished by quar-
termaster gen-
eral.

SEC. 35. Whenever colors shall be wanting in any regiment or battalion, they shall be furnished by the quartermaster-general, with the approbation of the commander-in-chief, upon application being made for that purpose by the commander of the regiment or battalion.

Uniforms, to be
provided by offi-
cers and men.

SEC. 36. Every general, field, line, and staff officer and every non-commissioned officer, musician, and private of any company, shall furnish himself with a complete uniform, which shall be such as the commander-in-chief shall prescribe, and subject to such alterations as he may order; and no company shall make any alterations in any portion of their uniform or equipments, except in conformity with such order; and all uniforms, arms, equipments, and instruments owned and used by any officer, musician, or private, or by any legally organized military company, shall not be liable to attachment, or to be taken on execution, for any debts contracted by such officer, musician, private, or company.

Uniforms, arms,
&c., exempt
from attachment.

Arms and equip-
ments to be the
same used in the
U. S. army.

SEC. 37. The arms and equipments of the several corps of cavalry, artillery, infantry and riflemen, shall conform in all respects to those used by similar corps in the army of the United States, or shall be such as may be furnished from the state arsenal.

Officers serving
on horseback, to
provide suitable
horses.

SEC. 38. Every officer, musician and private, in the militia, whose duty it is to serve on horseback, shall provide for himself a good and sufficient horse, at least fourteen and a half hands high; and every such horse

used on parade by the owner, or by his son, ward, or apprentice, shall not be liable to taxation. Horses exempted from taxation.

CHAPTER IV.

OF THE DUTIES OF OFFICERS AND PRIVATES.

SEC. 39. Whenever the commander-in-chief shall deem it necessary, he may issue his orders, directing the brigade-inspectors to meet the adjutant-general, at such time and place as he shall appoint, to confer with him and to receive his directions in regard to their official duties, and to afford him such assistance and coöperation as the public service may require; and said officers shall be allowed nine cents per mile for travel to and from such place of meeting. Commander-in-chief may order brigade-inspectors to meet the adjutant-general, to confer. Compensation.

SEC. 40. The duty of the quartermaster-general shall be to take care of all the public property committed to him, and belonging to his department; to execute all orders received from the commander-in-chief, relative thereto; to receive such arms and equipments as the government of the United States may from time to time transmit to this state, to cause the same to be deposited in the state arsenal at Hartford, and to distribute them to the militia in such manner as the commander-in-chief shall direct; to perform all other service which may be required of him by law; and to make a report to the general assembly, on the third day of its session, in each year, containing a complete inventory of all the articles belonging to his department, specifying the place or places where they are deposited, and also of the articles consumed or expended since his last previous report, together with a particular account of all expenditures of money incurred in his department, of which no account shall have been previously rendered to the general assembly; and he shall become bound to the state treasurer in a bond of ten thousand dollars, with surety, conditioned for the faithful discharge of the duties of his office. Quartermaster-general; his duties. To report to the general assembly. To give bond.

SEC. 41. The quartermaster-general shall, from time to time, order all ordnance, muskets, rifles or other property of the state furnished to the militia, which may be neglected by them, or left to decay, to be returned to the state arsenal; and he may cause to May order neglected arms, &c., to be returned to state arsenal.

May cause arms to be repaired. be repaired, at his discretion, all muskets and rifles, and all ordnance and ordnance stores, which have been returned to the arsenal from the militia, and which remain in a damaged state.

Compensation of armorer; his duties. And there shall be allowed the sum of four hundred dollars per annum as compensation for an armorer, whose duty it shall be to wait upon the state arsenal at Hartford, and to take care of all arms, ordnance and military stores and equipments that may be deposited therein.

Auditors of quartermaster-general's account; appointment and duties of. SEC. 42. There shall be annually appointed by the general assembly, two auditors of the quartermaster-general's account, whose duty it shall be to examine, audit and adjust the items of his annual report; also, in the month of April, annually, to examine and inspect the arsenal buildings at Hartford, and the military stores and other property of the state therein deposited, and to make a report of the condition thereof, and also of the correctness of the quartermaster-general's report, to the general assembly, in May annually, within the three first days of the session thereof.

Commissary-general; his duties. SEC. 43. It shall be the duty of the commissary-general, in time of war or insurrection, to procure supplies for the subsistence of the troops, and to issue the same; to execute all orders received from the commander-in-chief; to perform all services that may be required of him by law, and report annually to the general assembly, invariably on the third day of its session, the state of his department; and he shall give bond, with surety, to the state treasurer, in the sum of twenty thousand dollars, conditioned for the faithful discharge of the duties of his office.

Paymaster-general's duties. SEC. 44. It shall be the duty of the paymaster-general, in time of war or insurrection, to pay the troops their wages, to execute all orders received from the commander-in-chief, to perform such services as may be required of him by law, and to settle his accounts with the comptroller, on or before the thirteenth day of April in each year; and he shall give bond with surety, to the state treasurer, in the sum of twenty thousand dollars, conditioned for a faithful discharge of the duties of his office.

Brigade inspector's duties. SEC. 45. Whenever a regiment shall be ordered out for inspection, the brigade inspector shall inspect such

regiment, agreeably to the rules adopted for the army of the United States; and he shall take an accurate account, from personal inspection, of the quality of the arms and accoutrements of both officers and privates, and whether they are fit or unfit for service; and he shall also examine the clothing of the men, and see whether they are in complete uniform, according to law; and make a report of the same to the adjutant-general, on or before the fifteenth day of October in each year.

SEC. 46. The commanding officer of each company shall make return of the state of his company, with the number enrolled therein, and of all their arms, equipments, and ammunition, to the commanding officer of the regiment, within ten days after each parade required by law. Commanders of companies, to make returns within ten days.

SEC. 47. The commanding officer of each regiment shall make return of the state of his regiment, with the number of men enrolled therein, and of all their arms, equipments and ammunition, together with a roster of the field, staff, and commissioned officers of his regiment, to the commanding officer of the brigade, within twenty days after the last annual parade. Commanders of regiments, to make returns within twenty days.

SEC. 48. The commandant of each brigade shall make duplicate returns of the state of his brigade, together with a roster of the field, staff, and commissioned officers of such brigade, one of which he shall transmit to the commander of the division, and the other to the adjutant-general, on or before the first day of December, annually. Each brigade, regiment, and company, shall be furnished with a suitable book for records, and the commanding officer of each company shall cause the names of all persons belonging to his company to be entered in the record book of such company, and all delinquencies, votes and proceedings of such company; and shall cause copies of any part of said record to be given when required, reasonable compensation being made therefor; and the adjutant-general of the state shall prescribe the forms of keeping such records. The adjutant-general shall keep a record of all the proceedings of his office, and annually, in the month of January, furnish to the commander-in-chief, a roster of the general, field, commissioned and staff officers, and also procure and furnish, at the expense of the state, such books for the instruction of Commandants of brigades, to make duplicate returns, &c. Record books. Adjutant-general to keep records; furnish roster; distribute books and forms, &c.

the military forces of this state as the commander-in-chief may approve,—all necessary blanks, blank books, and forms, and perform all other duties which shall be necessary to carry into full effect the provisions of this act.

CHAPTER V.

OF PARADES.

Two annual parades, by company.

Annual parade by regiment or battalion.

Order for company parade.

For regimental or battalion review.

Officers' drill.

How composed.

Notice.

SEC. 49. There shall be two parades by company, between the first day of May and first day of December, in each year; also, one parade annually, in the month of September or October, by regiment or battalion, whenever a majority of the companies composing such regiment or battalion shall, by major vote, so decide; which parade shall be for one day only, at such time and place as the commanding officer of such regiment or battalion shall direct.

SEC. 50. The commanding officer of each company shall order out his command for such parades, at some proper place, within its limits, fully armed and equipped, for the purpose of drill, discipline and inspection. He shall also order his company to assemble at such time and place, in the month of August or September, as may be designated by his superior officer, in pursuance of this act, for regimental or battalion inspection and review.

SEC. 51. The major-general of the militia of this state shall, annually, issue an order for an officer drill, to be held for a time not exceeding four successive days, at the state arsenal at Hartford, commencing at eight o'clock A. M. on such Tuesday between the fifteenth day of August and the first day of October as he shall designate, for instruction in military drill, field exercises, evolutions, camp duties, inspection and review, as performed at the United States Military Academy at West Point. This annual officers' drill shall be composed of the major-general and staff, the brigadier-generals and their respective staffs, the field and staff officers of the several regiments and battalions, together with their respective drum and fife and trumpet-majors; also, the commandants, lieutenants, and first sergeants, of each and every militia company in the state. And the major-general shall give at least fifteen days' notice thereof, by mail, to

such of the aforesaid officers, whose names shall appear on the record of the adjutant-general; and the adjutant-general shall furnish a copy of his said record to the major-general, at any time he may apply therefor for that purpose; which notice shall be deemed a sufficient warning to each of said officers for said annual drill.

SEC. 52. At such annual officers' drill, the general officers present shall be a committee and have the power to select such drill-master for the occasion, and at such compensation as may be agreed upon between the contracting parties, subject to the approval of the commander-in-chief, to be paid by the state comptroller's order on the treasurer of the state; which order the comptroller is hereby authorized to draw for that purpose, upon the certificate of the aforesaid committee, or a majority of them, for the amount of services so rendered. The commander-in-chief is hereby empowered to decide any question upon which the aforesaid committee may be equally divided.

Drill-master to be designated by the general officers.

His compensation, how fixed, and paid.

SEC. 53. The quartermaster-general shall furnish all arms, equipments, and tents, and other articles necessary for the drill and camp duty of the officers, and shall provide a suitable camp-ground and field, as near as practicable to the arsenal, subject to the acceptance of the annual officers' drill committee.

Quartermaster-general to furnish arms, &c., for drill and camp duty, and provide camp ground.

SEC. 54. Whenever the members of any company are to be assembled for parade, or the choice of officers, a notice, specifying the time and place of such parade or choice of officers, when read in the hearing of the person to be warned, or left with him or at his usual place of abode, or addressed by mail to such person, three days previous to the day of such parade, or choice of officers, shall be considered a legal notice.

Notice for company parade, or choice.

SEC. 55. The commanding officer of the day at any parade or officer drill required by this act, may cause those under his command to perform any field or camp duty which he may deem proper, and may also put under guard, for the day, any officer or soldier who shall disobey the legal orders of his superior officer or in any wise interrupt the exercises of the day; also, all other persons who shall trespass on the parade ground, or in any way interrupt or molest the orderly discharge of duty by those under arms.

Powers of commanding officer on parade.

SEC. 56. The commander-in-chief may, on reason- Commander-in-

chief may, when occasion requires, order rendezvous of militia, for instruction and review.

Compensation of officers and men.

Regimental band

able apprehension that the militia of this state will be needed for actual service, in the case of war, rebellion, invasion, or prevention of invasion, either in the service of this state, or of the United States, order the militia, or such portions thereof as he may judge necessary, to rendezvous at some suitable place for encampment, instruction in military drill, camp duty, field exercises, evolutions, inspection, and review; and during such service the officers and men shall be subject to the rules and regulations of the army of the United States, and entitled to the same compensation and allowance, to be paid from the state treasury, in such manner and at such times as the commander-in-chief shall direct.

SEC. 57. At each regimental or battalion parade, and on the last day of each officers' drill, there shall be employed at the expense of the state, a band of music, to be paid as hereinafter provided.

CHAPTER VI.

OF COMPENSATION.

Compensation, for services at officers' drill.

Compensation of members of regimental band.

To each company, \$100 per annum, for rent of armory.

SEC. 58. There shall annually be paid, for services rendered in conformity to this act, at the annual officers' drill, the following sums, to wit: to all general, field, staff, commissioned and non-commissioned officers, who shall perform duty at such officers' drill, in pursuance of the provisions of this act, the sum of two dollars for each and every day of such duty, together with a mileage at five cents per mile in going from and returning to their respective towns; to each member of every band who shall perform duty at any officers' drill, or regimental, or battalion parade, two dollars and fifty cents for each day of such duty, together with a mileage of five cents per mile for going from and returning to their respective places of abode.

SEC. 59. Every company that shall conform to the provisions of this act, and each company of the governor's guards that shall conform to the provisions of their charter, shall be allowed out of the treasury of the state, the sum of one hundred dollars per annum as rent for a suitable armory and drill-room, in which to preserve their arms and military equipments, and as compensation for cleaning and keeping in good

repair the same; also the sum of ten dollars annually, for the storage of any field-piece in the hands of any artillery company; and the comptroller of the state shall draw an order for such sums on a certificate from the quartermaster-general, that such companies are in possession of such suitable armories and rooms, as aforesaid, and that no injury has been done to any property of the state therein deposited, such order to be made payable to the commanding officer of such company.

Ten dollars for the storage of a field-piece.
To be paid on certificate of quartermaster-general.

SEC. 60. Every officer, musician, and private, who shall perform military duty, in accordance with the provisions of this act, or who may have been prevented from doing the same by sickness, bodily infirmity, or other reasonable cause, shall be exempt from doing jury duty, if he shall desire it, and from the payment of a poll tax during such service.

Exemption, by military duty, from jury duty and poll tax.

SEC. 61. It shall be the duty of the paymaster-general, at the close of the officers' drill in each year, under such regulations as shall be prescribed by the commander-in-chief, to pay to such officers and musicians as shall have done duty at such officers' drill, the amount due them under the provisions of this act, for such duty; and for that purpose, the comptroller of this state is authorized and directed to draw orders on the state treasurer, in favor of the paymaster-general, for such sums as the adjutant-general shall certify to him will, in his opinion, be necessary; and the treasurer is authorized to pay said orders out of any unappropriated money in the treasury; and should there be none when thus called for, then the state treasurer is authorized to borrow the amount necessary for such purposes. And the paymaster-general, after paying off such officers and musicians, shall settle with the state treasurer, by returning any surplus money in his hands, or by receiving from the comptroller his order on the treasurer for any sums of money that he may have paid, over and above the sum received by him for such purposes; and he shall file his vouchers with the comptroller.

Payment for service at officers' drill, when and how made.

Treasurer authorized to borrow money.

Paymaster-general to settle with the treasurer, and file vouchers.

SEC. 62. Whenever the commander-in-chief shall call out the militia of this state, pursuant to any requisition of the president of the United States, he shall be authorized to provide at the expense of this state, for said militia, all necessary food, uniforms, arms, equip-

Provision for supplying the militia when called out by requisition of the president.

ments, and clothing, together with horses, baggage wagons, camp equipage, and means of transporting said force into the service of the United States.

CHAPTER VII.

OF FINES.

Officers, liable to court-martial, for neglect or disobedience, or non-attendance at officers' drill.	<p>SEC. 63. Every commissioned officer whether of the field or company, for any neglect of duty, or for disobedience of orders, or for any unofficerlike conduct, and every officer required by this act to attend the annual officers' drill who shall neglect so to do without satisfactory excuse to the major-general, shall be liable to be tried by a court-martial; and every non-commissioned officer, musician and private, of any company, who shall, without satisfactory excuse to the commanding officer, fail to appear at the time and place appointed for any parade or choice of officers, or who, after appearing, shall leave said parade or meeting for the choice of officers, without the permission of the commanding officer, shall forfeit and pay a fine of five dollars for each day or time of absence, or neglect of duty; and every non-commissioned officer, musician and private, who shall be guilty of any unsoldierly or disgraceful conduct, or disobedience of orders, may be fined by his commanding officer, to an amount not exceeding five dollars for each offence; and all persons who may have incurred any fine or forfeiture, shall be notified of the same within five days thereafter.</p>
Non-commissioned officers, and privates, liable to fine for non-appearance, &c.	<p>SEC. 64. The certificate of any commanding officer made under oath, shall be evidence of any and all forfeitures and fines incurred in pursuance of this act; and if any forfeiture or fine incurred as aforesaid shall not be paid within ten days after notice thereof, the said commanding officer may collect the same in an action of debt in his own proper name, and shall have process of attachment and execution against the body of the delinquent, to be proceeded with in all respects as in actions of tort; and all fines and forfeitures incurred under this act, when recovered, shall be appropriated for the benefit of the company to which the delinquent belongs, to be used in the purchase of uniforms, and any other articles necessary in the performance of military duty; and the commanding offi-</p>
And for disobedience, or unsoldierly conduct.	
Notice of fine, to be given within five days.	
Evidence of fine or forfeiture.	
How to be collected.	
Fines &c. to be appropriated for the benefit of the company.	

cer of every company shall keep, or cause to be kept, a correct account of all moneys thus received, and the manner in which the same have been appropriated, which account shall at all times be open to the inspection of the field officers of the regiment or battalion to which such company is attached.

Commanders of companies to keep account of moneys received, &c.

SEC. 65. Each non-commissioned officer, musician and private of any company who appears on parade, shall pay for deficiency in arms, ammunition, and accoutrements, for each day of exercise, inspection, or review, the following fines, to wit: for deficiency of musket, rifle, or pair of pistols, each one dollar; of a sabre or hanger, each one dollar; and for deficiency in ammunition, or in any other article provided by the state, or required by law, twenty-five cents; and any musician who shall appear without his instrument of music, and any horseman who shall be deficient of a horse, shall be considered as not appearing on parade. And if any non-commissioned officer, musician or private of any company, shall neglect to appear in the uniform of such company, at any time when he shall be required to perform military duty, he shall forfeit the sum of two dollars; and such fines shall be collected and appropriated in the same manner as provided in the preceding section.

Fines for deficiency in arms, &c.

Fines for deficiency in uniform.

SEC. 66. No member of any military company shall be released or excused from the performance of military duty, by reason of an appointment in any fire company or fire department, without the written consent of the commanding officer of such military company.

Members of military companies not released by appointment in the fire department.

CHAPTER VIII.

OF PROCEEDINGS IN CASE OF ALARM.

SEC. 67. The commander-in-chief, or in his absence, the major-general, may, on an alarm, invasion, or notice of the appearance of an enemy, either by sea or land, order the whole, or any part, of the militia, to assemble, and may lead, order, or employ them, for the assistance or relief of any of the inhabitants of the state attacked by an enemy, or in danger of being attacked, and may issue and publish such orders as he shall judge expedient to carry into execution the in-

Commander-in-chief, or major-general, may order out the militia, on an alarm, &c.

Authority, and duties, of commandants of brigades, regiments, and companies.

tents of this act ; and all subordinate officers shall yield entire obedience thereto ; and the officers commanding brigades, regiments, and companies, shall have the same authority within their respective commands ; but whenever either of them shall find it necessary to order out the force under his command, he shall forthwith dispatch intelligence of such order, and the occasion thereof, together with an account of his movements and operations, to the commander-in-chief, or to any other of his superior officers, as he may deem most conducive to the public safety, and the officers receiving such intelligence shall observe the same line of conduct, in order that the information may, in the most expeditious way, come to the commander-in-chief.

Penalty for neglect to appear at rendezvous.

And when any company, regiment, brigade, or the division of the militia of this state, shall be ordered into service by the proper officer, on any alarm, each non-commissioned officer, musician, and private, who neglects to appear at the place of rendezvous, in person, or by substitute, and join the company to which he belongs, shall, for such neglect, pay a fine of seventeen dollars, and shall pay the further sum of twenty dollars for every month that he shall neglect to join such company, and in the same proportion for a longer or shorter time ; and upon neglect or refusal to pay said fine and forfeiture, he shall be imprisoned in the common jail in the county where he resides, not less than thirty nor more than sixty days, at the discretion of the court before which the conviction is had ; and each non-commissioned officer, musician, and private, shall have the same notice when ordered into service, by company, battalion, regiment, brigade, or division, as is provided in this chapter for those who are called out by detachments.

Notice, of being ordered into service.

Commanders of companies to make return of penalties incurred under 67th section

SEC. 68. The commanding officer of each company shall, immediately after a detachment, company, regiment, brigade, or division, shall be ordered to rendezvous for service at any particular time and place, make return of the names and places of abode of all the persons under his command, who shall have incurred any of the penalties provided in the next preceding section of this act, to the brigade-major of the brigade to which they respectively belong ; and the brigade-major, within twenty days from the time of his receiving said return, shall make a like return to the state attorney

for the county in which such person or persons may reside.

SEC. 69. The superior court may hear and determine all actions for any violations of the provisions of this chapter; and the state attorneys, in the several counties, may prosecute the same, by action of debt, in the name of the state treasurer, or by information in behalf of the state; and when said fines and forfeitures are received, they shall pay them into the state treasury.

Superior court may hear and determine actions for penalties.
Fines to be paid into state treasury.

SEC. 70. Every sergeant, corporal, musician, and private of the militia, that shall be detached to perform a tour of military duty, under the authority of this state, or of the United States, may procure a substitute of equal grade with himself, to be approved and accepted by the senior officer in command at the place of rendezvous, who shall be the only proper officer to approve and accept substitutes and to determine on their qualifications; and such officer shall not accept a substitute unless he is completely equipped and in uniform, according to law; and such substitute, when accepted and voluntarily enrolled, shall be subject to the laws of this state, for forming and conducting the military force, while in actual service.

Substitutes may be procured, when, and on what conditions.

SEC. 71. The commanding officer of the company from which any detachment is made, shall give immediate notice thereof, to the person or persons detached, which notice shall be in writing, signed by such officer, and shall be read in the hearing of the person detached, or an attested copy of it shall be left at his usual place of abode, by one of the sergeants of said company; and whenever any sergeant, corporal, musician, or private, detached and notified as aforesaid, shall refuse or neglect to appear in person, or by substitute approved as aforesaid, at the time and place appointed for the rendezvous of such detachment, he shall pay the sum of twenty dollars to the treasury of the state, and pay to said treasury the further sum of twenty dollars for every month that he shall neglect to join such detachment, and in the same proportion for any part of the time he shall neglect to join the detachment; and upon neglect or refusal to pay said penalties, he shall be imprisoned in the common jail of the county where he resides, for a term not less than thirty days, nor exceeding sixty days, at the discretion of the court before which the conviction is had.

Notice for detachment.
Penalty for neglect to appear at rendezvous.

Parents, guardians, &c., when liable for penalties incurred by minors.

SEC. 72. When any penalty shall be incurred by any minor, for a violation of the sixty-seventh or seventy-first section of this act, the parent, guardian, or master of such minor shall be liable for the same, unless such parent, guardian, or master, shall make it appear that he was not aiding in, or consenting to, such neglect or refusal.

Pay of militia in actual service.

SEC. 73. When the militia, or any detachment thereof, shall be called into actual service, under the provisions of this act, they shall be entitled to the same pay and rations as the army of the United States.

Provision for wounded soldiers, and for widows of soldiers killed in service

SEC. 74. Any officer or soldier, wounded or disabled, and the widow and children of any officer or soldier killed, while in the service of this state, shall be suitably provided for by the legislature.

Vacancies in commissioned officers detached, how filled.

SEC. 75. If any person, holding a commission in the militia of this state, and detached to hold himself in readiness for service, by virtue of any law of the United States, shall, during the period for which the detachment shall be made, die, be disabled, promoted, or discharged from such detachment, the commander-in-chief of the militia may cause some other proper officer of the militia to be detached to serve in his stead.

CHAPTER IX.

OF COURTS-MARTIAL.

Officers subject to court-martial; on what charges.

SEC. 76. General, field, commissioned, and staff officers, shall, for disobedience of orders, unofficerlike conduct while on duty, or during any day appropriated for military exercise or parade, and for the neglect of any duty imposed upon them as officers of the militia, be subject to trial by general court-martial, according to the usage and practice of war; which court-martial shall consist of not less than five, nor more than seven members; and the senior officer, who shall always be of a rank superior to the officer on trial, shall preside. A court-martial for the trial of an officer under the grade of a field officer, shall be appointed by the commanding officer of the brigade to which he belongs; for the trial of an officer of the grade of a field officer, by the commanding officer of the division; for the trial of a general officer, by the commander-in-chief. And in

Court-martial, how constituted.

every court-martial there shall be a judge-advocate, Judge-advocate. who shall discharge the duties of that office according to the usage and practice of courts-martial; and no other person shall be admitted to prosecute or defend the arrested officer.

SEC. 77. Whenever a court-martial shall be or- Order for court-martial. dered, the order shall designate the time and place of holding the same, the name of the officer to preside, and the number and rank of other officers, of which the court is to be composed; and if the court shall be ordered by the commander-in-chief, the order shall be signed by the commander-in-chief, or by the adjutant-general, and shall be of the tenor following, to wit:

“STATE OF CONNECTICUT, SS.

GENERAL ORDERS.

Form of order, of general court-martial.

A general court-martial is ordered to assemble at _____, on the _____ day of _____, for the trial of such person or persons as may be brought before it, to consist of _____ members, to be taken from the division, to wit: the major-general, _____ brigadier-general, _____ colonels. The major-general will preside. The adjutant of the _____ regiment will furnish an orderly-sergeant to attend and execute the orders of the court.”

If the court shall be ordered by the major-general, the order shall be signed by the major-general or by a division-inspector, by order of the major-general, and shall be of the tenor following, viz:

“STATE OF CONNECTICUT, SS.

DIVISION ORDERS.

For division court-martial.

A general court-martial of the division will assemble at _____, on the _____ day of _____, for the trial of such person or persons as may be brought before it, to consist of _____ members, to wit: _____ brigadier-general, _____ colonels, and _____ lieutenant-colonels. Brigadier-general _____ will preside. The adjutant of the _____ regiment will furnish an orderly-sergeant to attend and execute the orders of the court.”

It the court shall be ordered by a brigadier-general, the order shall be signed by the brigadier-general, or by the brigade-major by his order, and shall be of the following tenor, to wit:

For brigade
court-martial.

"STATE OF CONNECTICUT, SS.

BRIGADE ORDERS, FOR THE

BRIGADE OF MILITIA.

A general court-martial of said brigade will assemble at _____, on the _____ day of _____, for the trial of such person or persons as may be brought before it; to consist of _____ members, to wit: _____ colonels, _____ majors, and _____ captains. Colonel _____ will preside. The adjutant of the _____ regiment will furnish an orderly-sergeant to attend and execute the orders of the court."

Officers for gen-
eral court-mar-
tial, how detailed
and notified.

SEC. 78. For a general court-martial, the adjutant-general shall detail and notify the general officers, and apportion the number of other officers required to each brigade, and give notice thereof to the division inspector, or brigade-majors, who shall detail and notify said officers, and make return to the adjutant-general's office. In a division court-martial, the division-inspector, or an aid-de-camp under the direction of a major-general ordering said court, shall detail and notify the general officer, and apportion the other officers to each brigade, and give notice thereof to the respective brigade-majors, who shall detail and notify the field officers of their brigade, that they are detailed, and make return thereof to the office of the major-general ordering said court; and for a brigade court-martial, the brigade-major shall detail and notify the officers required to serve on such court.

For division
court-martial.

For brigade
court-martial.

Officer tried, to be
furnished with
copies of order,
and of charges.

SEC. 79. If the officer to be tried shall be a general officer, he shall be furnished with a copy of the order for said court, and a copy of the charges in arrest, by the adjutant-general, or by a division or brigade-inspector, as the commander-in-chief shall direct, thirty days before the setting of said court, inclusive; and the officer furnishing such copy shall make return thereof, with the names of the officers composing the court, to the judge-advocate of the court; and if he shall be of or under the rank of field officer, he shall be furnished with like copies, twenty days before the sitting of the court, inclusive, by a brigade inspector, or adjutant of the regiment to which the arrested officer belongs, as the officer ordering the court shall direct, who shall return the same, and the names of the officers composing the court, to the judge-advocate of the court.

SEC. 80. The judge-advocate shall summon or cause to be summoned, such witnesses on the part of the state as may be necessary, by subpoena, signed by the officer ordering the court, or by the president thereof, or by the judge-advocate; and the accused shall be entitled to the like process, to enable him to procure the attendance of witnesses, which process may be served by the judge-advocate, or by any disinterested person deputed by him; and on trial before courts-martial, depositions may be used in the same manner, under the same circumstances, and to the same extent, as in trials before a civil tribunal; *provided*, that reasonable notice of the time and place of taking such depositions shall be given to the prosecutor and accused.

Witnesses, how summoned.

Depositions may be used.

SEC. 81. All charges in arrest shall be made out in due form, by way of complaint, and signed by the party complaining, addressed to the officer whose duty it is to order the court, specifying the act or neglect of which the accused is supposed to be guilty, and praying due process, before the said officer shall order a court-martial for the trial of the accused officer.

Charges in arrest to be formally made out.

SEC. 82. The members of the court, before they enter upon the trial of any person accused, shall take the following oath, to be administered by the judge-advocate, to wit: "You swear that you will truly try and determine, according to the evidence given in court, the matters depending between this state and the officer, or officers, now to be tried; that you will not divulge the sentence of the court, until the same shall have been approved or disapproved according to law, neither will you, at any time, disclose the vote or opinion of any member of the court, unless required by due course of law; so help you God." All other oaths which may be necessary to administer during the court, may be administered by a general or field officer, or by the judge-advocate.

Oath of members of the court; how administered.

Other oaths, by whom to be administered.

SEC. 83. A judge-advocate for each county shall be appointed and commissioned by the commander-in-chief, and shall do the duties of that office in all courts-martial assembled and held in the county for which he is appointed.

Judge-advocate, to be appointed for each county.

SEC. 84. The judge-advocate shall take the following oath, to wit: "You swear that you will not, at any time whatever, disclose the vote or opinion of any

Oath of judge-advocate.

member of any court-martial, in which you may be called to act, unless required by due course of law, nor divulge the sentence of any such court, unless the same shall have been approved or disapproved pursuant to law; and that you will faithfully and impartially do the duty of judge-advocate, according to your best abilities; so help you God." Which oath may be administered by any judge or justice of the peace, and a certificate thereof shall be made by such judge or justice, on the commission of the judge-advocate sworn as aforesaid; and the judge-advocate so appointed and sworn shall hold his office during the pleasure of the commander-in-chief.

By whom administered.

Tenure of office.

When judge advocate is disqualified, another may be designated to act.

Accused may except against members of the court.

Limitation of order of punishment, by court-martial.

Two-thirds of the court must concur.

Arrested officer, refusing to attend, to be fined and cashiered.

SEC. 85. Whenever the judge-advocate of the county, by reason of interest, or by reason of relationship between him and any officer to be tried, or of sickness, or of any other cause, cannot act in any court-martial to be assembled and held in the county to which he belongs, the officer ordering the court may designate and order the judge-advocate of any adjoining county to officiate in said court-martial.

SEC. 86. If, on trial, the accused shall except against any one or more of the members of the court, he shall state the ground of his objections, and if it shall appear to the court sufficient, the member or members objected to shall leave their seats; and if the number remaining shall be less than five, the court shall be adjourned for a reasonable time, that the officer appointing the court may detail others to supply the place or places of such members.

SEC. 87. No court-martial shall order any other punishment than a fine not exceeding one hundred dollars, and a reprimand, or either; or a fine not exceeding one hundred dollars, and cashiering, with disability of holding any military office in the state, or either of these punishments; and two-thirds of every court shall concur in every sentence.

SEC. 88. If an officer under arrest shall refuse or neglect to attend a court-martial according to orders, and notice given to him, he shall be sentenced by said court to pay a fine not exceeding one hundred dollars, and to be cashiered, with disability of ever holding any military office in this state, unless prevented by sickness, or some other reasonable cause, from so attending; in which case the court may adjourn, and notice

thereof shall be given by the judge-advocate to the arrested officer, at least ten days before the day to which the court is adjourned.

SEC. 89. The fines imposed by court-martial shall be for the use of the state, and shall be collected by a warrant under the hand of the president of the court, directed to a sheriff or some other proper officer, whose duty it shall be to collect such fines, together with lawful costs, and shall be paid by him to the state treasurer, except the costs of collecting the same; and in all cases in which a fine or cost shall be awarded by a court-martial, and the sentence of such court shall be approved, and the president of such court shall die, be discharged or promoted, without having issued a warrant for such fine or costs, the member of such court remaining next in rank to said president, shall issue such warrant.

SEC. 90. If any witness duly summoned shall refuse to obey such summons, he shall, by warrant from the president of the court, directed to the sheriff, his deputy, or a constable in the county, be committed to jail in the county where he lives, there to be held, at his own expense, until he shall obey the summons, or be discharged by due course of law.

SEC. 91. All witnesses summoned on the part of the state, and the judge-advocate for summoning them, shall, for travel and attendance, have the same fees as are allowed in civil causes, to be taxed by the president of the court, and to be paid by the state, to the judge-advocate; and the fees of witnesses, when received by him, shall be paid to the persons to whom they are due; and if the sentence of the court is against the accused, and the same shall be duly approved, the said fees shall, by warrant under the hand of the president of the court, directed in manner aforesaid, be collected of the delinquent, and paid into the state treasury.

SEC. 92. The members of said court shall be allowed nine cents per mile for travel to and from the place of holding said court, and one dollar per day for each day during its sittings; and the person in whose house the court shall be holden, shall be allowed not exceeding two dollars per day, in full for room-rent, fire, wood, and candles, and a bill of the same, being taxed and signed by the president, shall be paid from the state treasury; and the judge-advocate shall be

Fees for copy of record.

allowed twenty-five cents for every legal page of the copy of the proceedings, and record of the court-martial, to be taxed and paid in the same manner.

Sentences to be approved by commander-in-chief; who may remit or mitigate penalties.

SEC. 93. The sentences of court-martial shall be approved or disapproved by the commander-in-chief, who may mitigate or remit any punishment awarded by the sentence of court-martial, when such sentence shall have been approved; and the record of the proceedings and sentence of court-martial, in every case, with the order approving or disapproving the same, shall be deposited in the office of the secretary of state.

Record to be deposited with secretary of state.

Adjutant-general to cause this act, &c., to be printed and distributed.

SEC. 94. It shall be the duty of the adjutant-general to cause this act, together with the act of congress respecting the militia, and also such forms of orders, returns, &c., as he may consider necessary, to be printed in pamphlet form, at the expense of the state, and to distribute one copy to each commissioned officer, and the selectmen of each town.

Repeal of prior acts.

SEC. 95. The act, entitled "An Act for forming and conducting the Military Force," and all acts in addition thereto, or in alteration thereof, be, and the same are hereby repealed: *provided, nevertheless*, that nothing herein contained, shall be so construed, as to prevent the abatement of taxes and the compensation for armory rent, as at present by law provided, for services tendered prior to the passage of this act: *and provided further*, that such repeal shall not vacate the offices of adjutant-general, quartermaster-general, commissary-general, or paymaster-general.

Certain offices, not vacated by repeal.

Approved, July 3d, 1861.

CHAPTER LXVI.

An Act in addition to "An Act relating to Courts."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

Superior court to consist of nine judges,—

The superior court shall consist of nine judges, including the judges of the supreme court of errors: and all

judges of the supreme court of errors elected at the present session of the general assembly, or who shall hereafter be elected as judges of the supreme court of errors, shall also be elected as judges of the superior court, and shall continue to be judges of the superior court until the termination of their respective offices.

Judges of supreme court to be also elected judges of the superior court.

This act shall take effect from its passage.

Approved, July 2d, 1861.

CHAPTER LXVII.

An Act amending "An Act for the relief of Insolvent Debtors, and for the more equal Distribution of their Effects among their Creditors."

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

That the provisions of the 19th section of an act entitled, "An Act for the relief of Insolvent Debtors, and for the more equal Distribution of their Effects among their Creditors," be, and the same are hereby extended to any and all securities by mortgage or otherwise, held by any creditor for any claim presented by him against any estate in settlement under the provisions of said act.

Provisions of act for relief of insolvent debtors, extended to mortgage or other securities held by creditors.

Approved, July 3d, 1861.

CHAPTER LXVIII.

An Act in relation to the Compensation of Assessors.

Be it enacted by the Senate and House of Representatives, in General Assembly convened:

That the act passed, May session, 1860, approved May 31st, 1860, entitled, "An Act in alteration of an Act for Assessment and Collection of Taxes," shall not

Compensation of assessors to be the same as established by act of 1861.

be so construed as to affect the compensation provided for assessors by the 38th section of the act entitled "An Act for the Assessment and Collection of Taxes," passed in 1851; and that the compensation of assessors shall be the same as if the act first mentioned had not been passed.

Approved, July 3d, 1861.

CHAPTER LXIX.

An Act in addition to "An Act concerning Crimes and Punishments."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Aiding, assisting
or corresponding
with rebels or
public ene-
mies,—how
punished.

SEC. 1. That every person resident or being within this state, who shall in time of war with any public enemy or rebels, or in time of rebellion against the authority of this state or of the United States, directly or indirectly commence or carry on any verbal or written correspondence or intercourse with such enemy or rebel, or with any person for the purpose of being communicated to such enemy or rebel, with intent to aid such enemy or rebel, or to defeat or embarrass the measures of the government of this state or of the United States, or of any officer or agent of this state or of the United States, or shall aid or assist in such correspondence or intercourse with intent as aforesaid, or shall directly or indirectly sell or transport or attempt to transport by land or otherwise to such enemy or rebels, naval or military stores, arms, munitions of war, or any article of provisions or supplies of any kind, or shall aid or assist in such transportation or attempt, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the Connecticut state prison for a term not less than three nor more than seven years, or by such fine and imprisonment both, at the discretion of the court having cognizance of the offence.

Public exhibition
of rebel flags,
&c., punishable

SEC. 2. Every person who shall expose to public view, on his own premises or elsewhere, any flag or

device of the description used, or reputed to be used, ^{as a misdemeanor or.} by any rebels against the authority of this state or of the United States, or by any public enemies of this state, or of the United States, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the common jail, for a term not exceeding thirty days, or by such fine and imprisonment both at the discretion of the court having cognizance of the offence.

SEC. 3. Such flag or device so exhibited, with the apparatus connected therewith shall be deemed a ^{Such flag, &c., to be deemed a nuisance.} nuisance, and any constable or justice of the peace of the town in which the same shall be so exhibited, or the sheriff or a deputy sheriff of the county in which the same shall be so exhibited, taking sufficient assistance therefor, may seize and destroy the same.

Approved, July 3d, 1861.

CHAPTER LXX.

An Act in addition to "An Act relating to Salaries and Fees."

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SEC. 1. It shall not be lawful for any notary-public, directly or indirectly, to demand or receive for the protest for non-payment of any note, bill of exchange, or check, or draft, or for the non-acceptance or non-payment of any bill of exchange, check or draft, and giving the requisite notices and certificates of such protest, including his notarial seal, if affixed thereto, any greater fee or reward than seventy-five cents, and the sum necessarily paid for the prepayment of the postages upon such notices, if of or upwards the sum of three hundred dollars; fifty cents, if below said sum; which may be demanded and received by the notary giving such notices, in same manner as the fees of a notary public; and it shall be the duty of such notary to affix his seal to such protest free of expense, except as above, and he shall also give a certificate under his seal, free of expense except as aforesaid.

^{Fees of notary public, for protesting notes.}

Fees for notices
to endorsers.

SEC. 2. For notice to endorsers, &c., the sum of fifteen cents to first endorser, and the sum of ten cents for each additional endorser.

Protests on
notes, &c.,
owned in this
state.

SEC. 3. That on all notes, checks or drafts, owned by parties in this state, shall be protested with no more expense than is provided for in the second section of this act.

SEC. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved, July 3d, 1861.

CHAPTER LXXI.

An Act for the Preservation of Game and Fish.

Be it enacted by the Senate and House of Representatives in General Assembly convened :

Penalty for kill-
ing or selling
woodcock, pheas-
ants, quail, and
other game, out
of season : and
for destroying
nests or eggs.

SEC. 1. That any person who shall, between the first day of February and the fourth day of July in any year, kill or destroy, have in possession, sell, or expose for sale any of that species of game called woodcock, or who shall take or destroy the nests or eggs of the same ; and every person who shall between the first day of February and the first day of September in any year, kill or destroy, have in possession, sell, or expose for sale, any of that species of game called pheasants, partridge or ruff-grouse, or who shall take or destroy the nests or eggs of the same ; and every person who shall, between the first day of February and the first day of October in any year, kill or destroy, have in possession, sell, or expose for sale, any of that species of game called quail, or who shall destroy the nests or eggs of the same ; and every person who shall, between the first day of February and the first day of August, in any year, kill or destroy, have in possession, sell, or expose for sale, any of that species of water fowl called wood-duck, widgeon, black, grey, broad-bill, canvass-back, or teal duck, or who shall take or destroy the nests or eggs of the same, shall forfeit for every wood-cock, pheasant, partridge, ruff-grouse, quail, wood-duck, widgeon, black, grey, broad-bill, canvass-back or teal

duck, and for every nest or the eggs thereof, so taken, killed or destroyed, or had in possession, as aforesaid, the sum of three dollars, to be recovered by any person who shall bring an action therefor upon this statute.

SEC. 2. No person or persons shall at any time within this state, kill, cage, or trap, any nightingale, blue-bird, Baltimore-oriole, finch, thrush, lark, sparrow, cat-bird, wren, martin, swallow, or any bird of the species of woodpecker; nor shall any person or persons, kill, cage or trap, any bobolink or robin, between the first day of February and the first day of September in any year; under a forfeiture of one dollar for each kind so killed, caged, or trapped, to be recovered by any person who shall bring an action therefor on this statute.

Penalty for killing or entrapping certain birds.

SEC. 3. That any person or persons who shall between the first day of September and the first day of January, in any year, with intent so to do, catch or have in possession, sell or expose for sale within the state of Connecticut, any speckled brook trout, or speckled river trout, or lake trout, shall forfeit for every such trout the sum of one dollar, to be recovered by any person who shall bring an action therefor, on this statute, without consent of the owner of the land.

Penalty for taking or selling trout, out of season, without consent of owner of land.

SEC. 4. No person shall catch, kill or destroy, any of that species of game called pheasants, partridges or quails, upon land belonging to any other person; and every person so offending shall forfeit and pay to the owner or possessor of such land the sum of five dollars, to be recovered by an action on this statute.

Penalty for taking or killing partridges, or quails on another's lands, without consent of owner.

SEC. 5. Any person who shall enter the lands or premises of any resident of this state, with any fire arms, or other implements, for the purpose of hunting or fishing contrary to the provisions of this act, at any season of the year, without the consent of the owner of said lands or premises, shall be deemed guilty of a trespass, and shall forfeit and pay to the owners or possessors of such lands and premises the sum of ten dollars in addition to the provisions of this act, to be recovered by an action on this statute.

Entry on lands for unlawful hunting or fishing, to be deemed trespass.

SEC. 6. Nothing in this act shall be intended to prevent any person, or persons, from taking alive, and keeping, any species of game, water-fowl, bird, or trout, herein mentioned, for the purposes of propagation or domestication.

Not to prevent taking birds or trout, for propagation or domestication.

Approved, July 3d, 1861.

STATE OF CONNECTICUT, *ss.* }
OFFICE OF SECRETARY OF STATE, July 13th, 1861. }

I HEREBY CERTIFY, that I have compared the printed copies, in this pamphlet contained, with the engrossed bills of Public Acts passed by the General Assembly of this State, at the May Session, 1861,—and find the same to be correct.

J. HAMMOND TRUMBULL,
Secretary of State.

I N D E X .

A.

<i>Actions, Civil</i> ; additions to act for the regulation of—	
motions in error and for new trial may be joined, . . .	9
motion in error not allowed after a new trial has been refused, . . .	9
scire facias against trustee, &c., how signed, and returnable, . . .	19
in scire facias against a city or borough, judge not disqualified, because a resident or tax-payer, . . .	20
depositions, in foreign counties, how to be taken, . . .	31
perishable property, or live stock, under levy of execution, may be sold after seven days, . . .	64
levy of attachment or execution on crops, in buildings, regulated, . . .	65
<i>Acknowledgment of Deeds &c.</i> ; judges of city courts may take . . .	21
judges of probate authorized to take . . .	42
<i>Adjutant-General</i> ; how appointed, and his rank, . . .	73
may appoint an assistant, . . .	73
to keep records, furnish roster, &c., . . .	83
to procure and furnish books for instruction of militia, . . .	83
to furnish blank books, returns, &c., . . .	84
to print and distribute the militia law, &c., . . .	98
compensation of for the current year, . . .	35
<i>Adjutants</i> , of volunteer regiments, not lieutenants of companies, how commissioned and paid, . . .	35
<i>Assessors</i> ; doings of, in certain cases, confirmed, . . .	56
to make and hand in their own lists, under oath, . . .	9, 10
compensation of, to remain as established by act of 1851, . . .	99
<i>Attachment</i> of crops, deposited in buildings, how levied, . . .	65
of real estate, must be made in accordance with act of 1855, . . .	67

B.

<i>Bantam Lake</i> ; act for the preservation of fish in	53
<i>Birds</i> ; penalty for killing, entrapping, or destroying nests of	103
<i>Boards of Relief</i> ; confirming the doings of, in certain cases,	56
<i>Bonds in criminal prosecutions</i> ; an act concerning—	
for appearance at superior court,	
to be taken to state treasurer,	27
upon appeal from justice, to be	
taken to county treasurer,	28
<i>Bonds, State</i> ; authorizing the issue of	26
of what denominations to be issued,	27
how to be sold,	27
faith of the state pledged for the redemption of	27
<i>Boroughs</i> may not discontinue or impair public highways,	19
<i>Bridges</i> , between this and other states, how kept in repair,	68

C.

<i>Cattle</i> ; penalty for letting out of an enclosure, with intent to impound, 65	
an act regulating the fees for impounding	66
<i>Chaplains</i> for volunteer regiments ; providing for the appointment	
and compensation of	34
<i>City Court, of New Haven</i> ; see <i>New Haven</i> .	
<i>Civil Actions</i> ; see <i>Actions, Civil</i> .	
<i>Claims against the State</i> ; how to be attested and proved,	42
<i>Clinton</i> ; constituting the probate district of	14
<i>Coast Survey of Connecticut</i> ; an act relating to	10
<i>Commander-in-chief</i> ; the governor declared to be	73
may appoint two aides, with rank of lieutenant-	
colonel,	74
may grant commissions to military officers,	76
may arrange the militia, in brigades, regi-	
ments, &c.,	73
may disband companies, or discharge officers,	78
his general powers,	78
to approve or disapprove sentence of court-	
martial,	98
may remit punishment awarded by court-mar-	
tial,	98
may appoint brigade and regimental surgeons	
for volunteer militia in service,	34
may appoint a medical board for examination	
of surgeons,	34
may appoint chaplains for volunteer regiments,	34
may commission adjutants not lieutenants of	
companies,	35

<i>Commissary-general</i> , how nominated and appointed, . . .	73
may appoint assistants, . . .	74
his rank, 74; his duties, 82; to give bond, . . .	82
compensation of . . .	85
<i>Commissioners</i> to take acknowledgment, &c., in foreign countries; . . .	
repeal of act authorizing the appointment of . . .	7
<i>Commissioners on turnpike roads</i> ; the senate may appoint three, . . .	37
a majority of, may act, . . .	37
<i>Common Fields</i> ; proprietors of, may annex adjoining lands, to . . .	38
bounds between, not to be altered except by two-thirds vote of proprietors, . . .	38
adjoining, may be consolidated, how, . . .	38
annual meetings of proprietors, when and how to be holden, . . .	39
votes of proprietors of, how to be taken, . . .	39
fences, how to be erected and maintained by proprietors of . . .	39
fence viewers; duties and powers of . . .	40
liability of proprietors neglecting to maintain fence, . . .	40
animals not to be allowed to feed on another's land, . . .	40
may be impounded by haywards, or others, . . .	40
poundage fees, how established, and restricted, . . .	40, 41
<i>Commutation for military duty</i> , how taxed and paid, . . .	70
<i>Comptroller</i> , to audit bills of expenditure for volunteers, . . .	4
to draw orders for allowance to families of volunteers, . . .	38
for compensation of officers' drill-master, . . .	85
for payment of officers &c. doing duty at drill, . . .	87
for allowance to companies for armory rent, &c., . . .	87
to tax bills for board of inmates of reform school, . . .	41
claims presented to, how to be attested and proved, . . .	42
not to pay officers, entitled to per diem compensation, in advance, . . .	43
<i>Conservators</i> ; courts of probate may appoint, for persons having . . .	
a legal domicile in the district, . . .	37
<i>Conveyances</i> , executed and acknowledged in other states, validated, . . .	11
judges of city courts may take acknowledgment of . . .	21
judges of probate may take acknowledgment of . . .	42
<i>County Treasurers</i> , to give bond to state treasurer, . . .	65
abstract of annual account of, to be published, . . .	36
<i>County Commissioners</i> ; to assess damages caused by entry on lands, . . .	
&c., for purposes of the coast survey, . . .	10
to publish abstract of county treasurer's annual account, . . .	36
to make returns concerning jails, to secretary of state, . . .	52
penalty for refusal of, to make returns, . . .	53
<i>Courts</i> ; see <i>Supreme Court of Errors</i> ; <i>Superior Court</i> . . .	
additions to act relating to . . .	13, 14, 98

<i>Court of Probate</i> ; sales of real estate, by order of, not invalidated by defect in publication of order,	7
settlement of insolvent estates not invalidated by omission of order of notice by	18
appointment of trustee by, not invalidated by defect of notice,	20
may appoint conservator for person having a legal domicile in the district,	37
<i>Courts-martial</i> , when and how to be held,	92
forms of orders for	93, 94
sentences of, must be approved by commander-in-chief,	98
<i>Crimes and Punishments</i> ; additions to act concerning—	
persons acquitted on ground of insanity, how disposed of,	6
penalty for letting out cattle, &c., with intent to impound them,	65
aiding or corresponding with rebels, how punished,	100
public exhibition of rebel flags, &c., how punished,	100
<i>Crops</i> , in buildings ; attachment how levied on	65

D.

<i>Deeds</i> ; see <i>Conveyances</i> .	
<i>Depositions</i> ; how to be taken in foreign countries,	31
<i>Distribution of real estate</i> ; certified copy of, may be filed with town clerk,	31
not invalidated by interest of one distributor,	64
<i>Dogs</i> ; repealing a provision giving to towns the power of suspending the operation of law for taxation of	30
<i>Domestic Relations</i> ; addition to act concerning	54
<i>Drains and Drain Companies</i> ; an act in relation to	60
<i>Ducks, Wild</i> ; penalty for killing, out of season,	102

E.

<i>Education</i> ; addition to acts concerning—	
<i>school districts</i> may deliver tuition bills to collectors before the last week of the term,	8, 9
annual meeting of, when to be held,	54
special meeting of, to be called on request of five residents, to receive not less than \$35, in distribution of school money by the towns,	54
election of officers by, confirmed,	58

<i>Education</i> ; addition to acts concerning—	
<i>school districts</i> , taxes laid by, legalized,	59
enumeration of scholars in districts formed from two or more towns, regulated,	58
<i>schools of higher grade</i> ; powers of board of visitors with respect to	63
towns may choose a committee, for the supervision of	63
committee, how appointed, when town fails to elect,	63
in towns which formerly embraced two or more societies, the visitors may appoint a sub-committee to act,	29
<i>school tax</i> and interest of deposit fund, how to be distributed,	58
<i>Electors and Elections</i> , in Hartford ; act relating to	43
see <i>Hartford</i> .	
<i>Enrollment of the Militia</i> ; how made, &c.,	68-70
<i>Estates</i> ; additions to an act for the settlement of—	
certified copy of will and distribution of real estate may be filed with town clerk,	31
interest of one distributor not to invalidate distribution,	64
see <i>Insolvent Debtors</i> .	
<i>Execution</i> ; sales of perishable property, under levy of, regulated,	64

F.

<i>Farmington River</i> ; repeal of act of 1860, respecting the construction of dams on	57
<i>Fences</i> ; see <i>Common Fields</i> .	
<i>Fields, Common</i> ; see <i>Common Fields</i> .	
<i>Fisheries</i> ;—	
extending provisions of act for preservation of fish in Green Pond,	13
prohibiting the use of nets, &c., in Bantam Lake, and in Lake Wononscopomuc,	53
repealing act of 1860, respecting dams in Farmington River,	57
<i>Fishing</i> ; entry on lands of another, for the purpose of, to be deemed a trespass,	103
<i>Flags, &c.</i> , used by rebels ; public exhibition of, how punished,	100
may be seized and destroyed,	101

G.

<i>Game and Fish</i> ; an act for the preservation of,	102
<i>Governor</i> , authorized to raise not exceeding ten thousand volunteers,	3
to direct expenditures for arms, &c., of volunteer militia,	4
to audit bills for arms, supplies, &c.,	4
previous acts and proceedings of, approved,	4

<i>Governor</i> , repeal of act authorizing appointment by, of commissioners in foreign countries,	7
to be commander-in-chief of the militia,	73
See <i>Commander-in-chief</i> .	
<i>Green Pond</i> ; extending an act for the preservation of fish in	13
<i>Guardians</i> may invest property of wards, in state bonds,	54

H.

<i>Hartford</i> ; an act relating to electors and elections in the town of—	
divided in voting districts,	43
registrars, when and how chosen,—their duties,	45
deputy registrars, how appointed,—their duties,	47
inspectors of election, appointment and duties of	47, 48
lists of electors, when and how to be made,	45
to be published,	46
meeting of registrars to correct, &c.,	46
form of oath administered to applicants and witnesses,	48
meetings of registrars, when to be holden,	45
of selectmen and town-clerk, when to be holden,	49
appeal from registrars to board of selectmen, regulated,	47
review by registrars, of decision of inspectors,	48
certificates of admission to be recorded, &c.,	50
from other towns; registration of voters by, regulated,	46
town-clerk issuing, to keep record of	51
ballot-boxes to be provided by selectmen,	44
to be kept open from 7 A. M. to 5 P. M.,	51
ballots, how counted, certified, and declared,	45
check-lists, by whom kept, and where deposited,	48, 49
penalty for voting on name of another person,	49
for altering registry list,	49
for receiving ballot of unregistered voter,	49
for refusing ballot of registered voter,	49
for neglect of duty, by officer,	51
for violation of election law,	51
for issue of false certificate by town-clerk,	51
<i>Haywards</i> , duty of, to impound animals found at large in common fields,	40
<i>Highways</i> ; additions to act concerning—see <i>Turnpike Roads</i> ; <i>Bridges</i> . boroughs may not discontinue or impair public	19
<i>Horse Railroads</i> ; an act relating to—	
penalty for obstructing track of	28
for using vehicles fitted to track of, without consent of company,	28
prohibition of driving cattle, &c., on railroad track, not to apply to	28
may not remove snow from track, on town highways,	29
<i>Hunting</i> , on lands of another, without consent of owner, to be deemed trespass,	103

I.

<i>Impounding of cattle, &c.</i> ; regulating the fees for	66
<i>Indians</i> ; addition to act for the protection of— commissioners authorized to make new distribution of Mo- hogan lands held by individuals,	12
<i>Insanity</i> ; persons acquitted of capital crimes, on the ground of, may be committed, &c.,	6
<i>Insolvent Debtors</i> ; settlement of estates of, not invalidated by omis- sion of order of notice by commissioners,	18
appointment of trustee not invalidated by omission of notice,	20
provisions of 19th section of act for the relief of, extended to mortgage and other securities held by creditors,	99
<i>Insurance</i> ; alteration of act of 1860, further regulating	55
See <i>Mutual Insurance Companies</i> .	
<i>Intemperance</i> ; repeal of 27th section of act for the suppression of, (making sales of liquors, &c., void,)	55

J.

<i>Jails</i> ; returns concerning, to be made by county commissioners,	52
<i>Joint Stock Corporations</i> ; validating meetings of, held pursuant to waiver of notice,	7
<i>Judges of Supreme Court of Errors</i> to be judges also of the superior court,	99
<i>Judges of Probate</i> may take acknowledgment of deeds,	42
<i>Judge-advocate</i> , to be appointed in each county,	95
to hold office during pleasure of commander-in-chief,	96
his oath, 95 ; duties of	95, 97
<i>Jury</i> men ; prescribing the number of, for town of Sprague,	18

L.

<i>Lands</i> ; addition to act concerning— See <i>Conveyances</i> ; <i>Estates</i> .	
<i>Litchfield Lake</i> ; fishing with nets, prohibited in	53

M.

<i>Major-general</i> , to be appointed by general assembly,	73
his staff,	74
<i>Medical Board</i> , for examining surgeons, how constituted,	34
<i>Militia</i> ; repeal of provision for annual parade in May,	6

Militia; an act relating to,—

Chap. I. Of Enrollment,	68
Chap. II. Of the Organization of the Militia,	72
Chap. III. Of Arms, Armories and Equipments,	79
Chap. IV. Of the Duties of Officers and Privates,	81
Chap. V. Of Parades.	84
Chap. VI. Of Compensation,	86
Chap. VII. Of Fines,	88
Chap. VIII. Of Proceedings in case of Alarm,	89
Chap. IX. Of Courts Martial,	92

See *Volunteer Militia*.

<i>Mutual Insurance Companies</i> authorized to issue policies without taking premium notes or deposit, not subject to provisions of act of 1860,	55
---	----

N.

<i>New Haven</i> ; addition to act enabling the town of, to pave the streets &c.,	16
providing for due collection of taxes, in town and city of	21
alteration of act relative to charter of city of	14
<i>city court of</i> , prescribing jurisdiction of	14
appeal from, how taken,	14
assistant judges of, to be sworn,	14
compensation of, to be fixed by the city,	15
compensation of jurors in, fixed,	15
<i>court of common council</i> may order the removal of snow and ice, from side-walks,	12
<i>Norwich, Port of</i> ; provisions of act respecting unlicensed pilots, extended to	13
<i>Notaries Public</i> ; act regulating fees of, for protesting notes &c.	101

O.

<i>Officers' drill</i> , how ordered &c.	84
--	----

P.

<i>Parades of the militia</i> ; when to be held,	84
<i>Partridges</i> ; penalty for killing or selling, out of season,	10
<i>Paymaster-general</i> , to be appointed by senate,	73
his rank, 74,—duties, 74,—to give bond,	82
his compensation,	85
<i>Perishable property</i> , under execution, may be sold after seven days,	64
<i>Pilots</i> ; law respecting unlicensed, extended to port of Norwich and to Thames River,	13

<i>Poundage</i> , of animals from common fields, regulated, . . .	41
of cattle &c.; an act regulating the fees of . . .	66
<i>Pounds</i> ; selectmen may appoint keepers for new pounds, . . .	17
<i>Power of attorney</i> , to convey lands, may be acknowledged before judge of city court, . . .	21
<i>Prisons</i> ; addition to act concerning, (see <i>Jails</i>), . . .	52
<i>Probate Courts</i> ; see <i>Judges of Probate</i> .	
<i>Probate District</i> of Clinton, constituted, . . .	14

Q.

<i>Quails</i> , penalty for killing or selling &c., out of season, . . .	102
<i>Quartermaster-General</i> , to be appointed by Senate, . . .	73
may appoint assistants, . . .	74
his rank, 74,—duties, 81,—to give bond, . . .	81
to report to general assembly, . . .	81
accounts of, how audited, . . .	82
compensation of . . .	35

R.

<i>Railroads</i> ; See <i>Horse Railroads</i> .	
<i>Reform School, State</i> ; board of inmates of, how taxed and paid, .	41
<i>Registration of names of electors</i> , in Hartford, regulated, . . .	43
See <i>Hartford</i> .	
<i>Religious Uses</i> ; an act concerning real estate, held for, . . .	8

S.

<i>Salaries and Fees</i> ; addition to act concerning— regulating the fees of notaries public, for pro- testing notes, . . .	101
<i>Sale of Lands</i> , under order of court of probate, not invalidated by defect in publication of order, . . .	7
<i>Sale of perishable property</i> , under levy of execution, may be made, after seven days, . . .	64
<i>Scavengers</i> appointed by Drain Companies; duties and powers of, .	61
<i>School Districts</i> ; see <i>Education</i> .	
<i>Schools of Higher Grade</i> ; see <i>Education</i> .	
<i>School money</i> ; distribution of, see <i>Education</i> .	
<i>Scire facias</i> against trustee &c., how signed and returned, . . .	20
<i>Secretary of State</i> , to transmit blank returns concerning jails, to county commissioners, . . .	52
to inform state attorney, when county commis- sioners are liable to penalty, . . .	53
<i>Selectmen</i> may appoint keepers for new pounds, . . .	17
to return names of volunteers, &c., to comptroller, . . .	33

<i>Selectmen</i> , to cause enrollment of militia to be made, . . .	69
<i>Senate</i> may appoint three commissioners on any turnpike road, . . .	37
<i>Sheep culture</i> ; repeal of part of the act (of 1856,) for the protection of, . . .	30
<i>Spirituuous Liquors</i> ; repealing 27th section of act for suppression of Intemperance, making void sales of . . .	55
<i>Sprague, Town of</i> ; prescribing the number of jurymen, for, . . .	18
<i>State Bonds</i> ; see <i>Bonds</i> .	
<i>State Officers and Treasury Department</i> ; acts relating to—	
claims against the state to be sworn to, &c., . . .	42
state officers to certify claims of services rendered within their cognizance, . . .	42
per diem compensation to be paid quarterly, but not in advance of service, . . .	43
<i>State Reform School</i> ; board of inmates of, how taxed, . . .	41
<i>Superior Court</i> to consist of nine judges, including judges of supreme court of errors, . . .	98
<i>Supreme Court of Errors</i> ; all judges of, to be also elected judges of superior court, . . .	99
<i>Surgeons</i> , for volunteer militia in service, may be appointed by commander-in-chief, . . .	34
to be paid by the state, when, . . .	34
to be examined by a medical board, . . .	34
<i>Survey of the Coast</i> ; an act relating to . . .	10

T.

<i>Taverners</i> ; alteration of act relating to . . .	55
<i>Taxes</i> ; addition to act for assessment and collection of—	
assessors to hand in their lists, under oath, . . .	9, 10
See <i>Assessors</i> .	
<i>Thames River</i> ; provisions of law respecting pilots, extended to . . .	13
<i>Towns</i> ; repeal of section authorizing them to suspend the operation of act of 1856, for protection of sheep, . . .	30
providing for support of families of volunteers, to be re-im-bursed, . . .	33
uniforms, &c., provided by, to be paid for by the state, . . .	34
distribution of school tax and interest of deposit fund, regulated, . . .	58
<i>Treasurer, State</i> ; to audit bill for arms and supplies of volunteer militia, . . .	4
authorized to borrow money to meet expenditures for volunteer regiments, . . .	5
directed to reconvey the title of the state, in real estate given for religious uses, . . .	8
authorized to issue state bonds, . . .	26, 27
to report sales of bonds, to general assembly, . . .	27
may require new bonds from county treasurers, . . .	65
<i>Treasurer, County</i> ; abstract of annual account of, to be published, . . .	36
to give bonds, to state treasurer, . . .	65

<i>Trout</i> ; penalty for killing or taking, out of season, . . .	103
<i>Trustees</i> may invest trust funds, in state bonds, . . .	54
<i>Turnpike Roads</i> ; establishing the ancient location of gates on, in places not designated by charter, . . .	17
senate may appoint three commissioners on . . .	37
selectmen to give notice when road or bridge needs repairs, . . .	66
repairs of, to be made in one month after notice, unless the time is extended by order of court, . . .	66
on failure of company to repair, state attorney, on notice, to proceed by quo warranto, . . .	67

U.

<i>Uniforms</i> , provided for volunteers by individuals or communities, to be paid for by the state, . . .	34
---	----

V.

<i>Volunteer Militia</i> ; act to provide for the organization and equipment of—	
governor authorized to enlist not exceeding ten thousand men, . . .	3
pay and rations to be the same as in U. S. army, . . .	3
liable to be mustered into service of U. States, . . .	3
not to be discharged except in county where organized, . . .	4
accepted, to be paid, though not ordered to rendezvous, . . .	4
additional pay to non-commissioned officers and privates of three months regiments, . . .	4
such pay to be in lieu of extra pay voted by towns, . . .	5
towns and cities authorized to make appropriations for volunteers and their families, . . .	5
\$2,000,000 appropriated for defraying expenses of . . .	5
addition to act to provide for organization &c., of—	
thirty dollars per year to be paid as extra compensation to non-commissioned officers and privates, enlisted for longer time than three months, . . .	32
provision for the families of such volunteers, . . .	32
selectmen to return names, &c., of, to comptroller, . . .	33
towns, cities, &c., which have provided for the families of volunteers, to be re-imbursed, . . .	33
uniforms, &c., furnished by individuals or communities, to be paid for by the State, . . .	34

<i>Volunteer Militia</i> ; brigade and regimental surgeons to be appointed,	34
medical board for examination of surgeons, how constituted,	34
chaplains; authorizing the appointment and payment of	34
adjutants, not lieutenants of any company, may be commissioned, and paid,	35
paymaster-general, adjutant-general, quartermaster-general, and commissary-general; compensation of	35
three months' regiments, accepted, to be deemed part of the force of ten thousand men,	35

W.

<i>Will</i> ; devising real estate; certified copy of, may be filed with town clerk,	31
<i>Wononscopomuc Lake</i> ; fishing with nets in, prohibited,	53
<i>Woodcock</i> ; penalty for killing or selling, out of season,	102

